
MARYLAND HISTORICAL MAGAZINE

Vol. 69
No. 4
Winter 1974

A Portrait of Baltimore in 1800

Richard M. Bernard

Ellen Spencer Mussey and the Washington
College of Law

Catherine M. Rottier

Benefit of Clergy in Colonial Maryland

Peter G. Yackel



CHRISTMAS-DAY, 1860

Christmas Day 1860

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Published quarterly by the Maryland Historical Society, 201
W. Monument Street, Baltimore, Md. Second-Class postage
paid at Baltimore, Md.

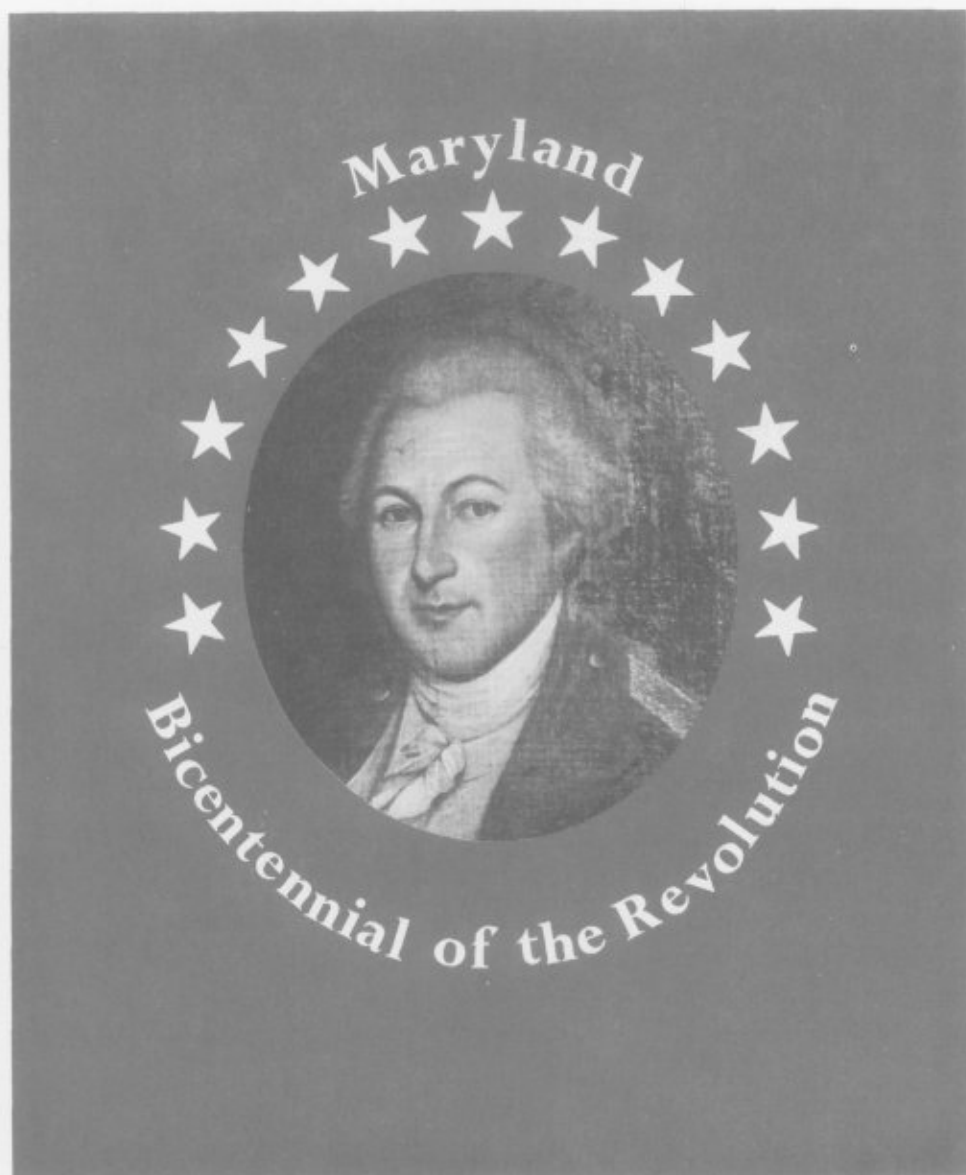
Composed and Printed at Waverly Press, Inc. Baltimore,
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MARYLAND

HISTORICAL MAGAZINE

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HISTORICAL MAGAZINE

CONTENTS

<i>Richard M. Bernard</i>	A Portrait of Baltimore in 1800: Economic and Occupational Patterns in an Early American City	341
<i>Catherine M. Rottier</i>	Ellen Spencer Mussey and the Washington College of Law	361
<i>Peter G. Yackel</i>	Benefit of Clergy in Colonial Maryland	383

	Sidelights	
<i>W. Wayne Smith</i>	A Marylander in Africa: The Letters of Henry Hannon	398
<i>Ralph D. Nurnberger</i>	The Great Baltimore Deluge of 1817	405

	Notes on Maryland Historical Society	
<i>Richard J. Cox</i>	The Historical Development of the Manuscript's Division of the Maryland Historical Society	409
	Genealogica Marylandia	
<i>Robert Barnes</i>	Somerset Parish Records	418

	Reviews of Recent Books	426
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Hoffman, A Spirit of Dissension: Economics, Politics, and Revolution in Maryland, by Alan F. Day • *Neyenschwander, The Middle Colonies and the Coming of the American Revolution*, by Don R. Gerlach • *Fundamental Testaments of the American Revolution*, by Robert M. Weir • *Miller, Sea of Glory: The Continental Navy Fights for Independence, 1775-1783*, by Charles McC. Mathias, Jr. • *Merrill, ed., The Letters of William Lloyd Garrison*, by Jane H. Pease • *Evitts, A Matter of Allegiances: Maryland From 1850 to 1861*, by Gerald S. Henig • *May, The Southern Dream of a Caribbean Empire, 1854-1861*, by Randall O. Hudson • *Maass, The Glorious Enterprise: The Centennial Exhibition of 1876 and J. Schwarzmann, Architect-In-Chief*, by Dorothy Glidden • *Turner, Heritage of Excellence: The Johns Hopkins Medical Institutions, 1914-1947*, by Carmichael Tilghman • *Rosenberger, ed., Records of the Columbia Historical Society of Washington, D. C., 1971-1972*, by George Green Shackelford • *de Gast, The Lighthouses of the Chesapeake*, by Ferdinand E. Chatard • *Kerwood, ed., The United States Capitol: An Annotated Bibliography*, by Francis Coleman Rosenberger.

	Books Notes	443
	Notes and Queries	447

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GEORGE L. RADCLIFFE, 1877-1974

United States Senator from Maryland, 1935-1947

Member of the Maryland Historical Society, 1908-1974

Secretary, 1911-1931; President, 1931-1965; Chairman, 1965-1974

For ninety-seven years from birth at Spocott Farm near Lloyds in Dorchester County on August 22, 1877 until death came in Baltimore on July 29, 1974, Senator George L. Radcliffe enriched the lives of others with warm friendship as he followed a strong urge to use his boundless energy and wide range of interests and abilities. Throughout his life the Senator's old associations grew richer. As his activities and usefulness widened with each passing year he increasingly cherished his family, neighbors and growing new friendships. He particularly enjoyed returning home to the Eastern Shore on every possible week end. For sixty-nine years he happily attended each annual meeting of the Baltimore City College Class of 1905. They had named him their favorite teacher and dedicated the 1905 "Greenbag" and its supplement 40 years later to him.

In describing his early years, in a speech at Pocomoke on May 25, 1946, the

Seantor said, "I was born within a hundred feet of salt water. My early experiences were in my father's shipyard, on his farms, working in our canning factory mingling with the farmers, fishermen and oystermen who were our neighbors and good friends. The lives of those who toil on farms, on the oyster bars, are open to me." Referring to his view of his service as a United States Senator, he said, "My duty, my pleasure and my ambition is to turn out a good, sincere, unostentatious, successful record of service to my constituents, whether they earn their living with a pen, a hoe or a pinball. They all look alike to me." In the same year Judge Samuel K. Dennis, the Senator's long-time friend and former Chief Judge of the Supreme Bench of Baltimore said of the Senator, "... nor is he partisan. He has an idea his services belong to anyone, everyone. Hence men of high and low degree, of all political affiliations, in business and in office alike find him approachable, amiable, infinitely kind and obliging."

Senator Radcliffe thoroughly liked people. He was at ease with others regardless of place, background or differences. He made them feel comfortable and enjoy being with him. A person full of innate goodness and blessed with ability and good judgment, the Senator was instinctively turned to by people when they wanted a man in whom they could place their trust and from whom they would receive fair and wise help or advice. Individuals and groups, often those with conflicting views, turned to him for help in resolving their differences or accomplishing a task. He was a man of patience, quick to forgive and who just could not harbor a grudge. His very nature rebelled at man's cruelty to man. It was never for him to cause pain or mortification to others.

From early childhood the Senator carried with him and constantly renewed warm memories of Christmas and the happy time his mother made for her family at Christmas. In school Christmas was his favorite subject for compositions. Later he collected over 2,000 books and 500 articles about Christmas. It was the subject of his first address to the United States Senate. The Christmas spirit represented to the Senator the happy bringing together of family and friends, generous impulses and kindly deeds to others. These things appealed to his deeply ingrained sense of love of people, equality, goodness and justice in dealing with others.

Beginning early in life, Senator Radcliffe was deeply influenced by his father's emphasis on independence and work, and his mother's love for reading and literature. Following graduation from the Cambridge High School and pursuing his desire for work and education, he received degrees from the Johns Hopkins University, A.B. 1897, in history and political science and Ph.D., 1900, in history. His doctoral thesis, "Governor Thomas Hicks of Maryland and the Civil War" was published by the Johns Hopkins Press in 1901. A lifelong source of satisfaction to the Senator was that those who read his work were unable to determine whether his sympathies were with the Union or the Confederacy. While at "Hopkins" the Senator was a member of the one-mile relay team which won that event at the University of Pennsylvania Relay Carnival at Philadelphia in 1898. The gold watch awarded him became his favourite possession and a constant reminder of this happy occasion. An active and appreciative alumnus, Senator Radcliffe served as President of the "Hopkins" Alumni Association

(1913–1920) and Chairman of the successful 1919 campaign to raise funds to build the “Alumni Memorial Dormitory.”

Among the Senator's happiest memories were those of his service as principal of the Cambridge High School (1900–1901) and Professor of History at the Baltimore City College (1901–1903). During the years 1902–1903 he attended the University of Maryland School of Law from which he received an LL.B degree in 1903. In later years he received honorary degrees from Washington College (LL.D, 1934) and the University of Maryland (LL.D, 1943).

In 1903 Senator Radcliffe began his seventy-one-year business association with the American Bonding Company of Baltimore and the Fidelity and Deposit Company of Maryland. His responsibilities in various capacities included Head of the Legal Department, Vice President, Chairman of the Executive Committee and member of the Board of Directors. Judge Samuel K. Dennis, a fellow Director, in referring to the Senator as a businessman said, “He became valuable to his Company, not as a master of routine, but in stronger fields as a ‘trouble shooter,’ idea man, pioneer thinker, policy maker, diplomat.” J. Harry Schisler, a business colleague for most of the Senator's career, describes him as “the man to handle serious things” and “an accomplished negotiator.” Senator Radcliffe's other business interests included membership on the Board of Directors of the Fidelity Trust Company and Baltimore Contractors (1951–1974).

Senator Radcliffe and Miss Mary McKim Marriott of Baltimore were married on June 6, 1906. Among the Senator's greatest joys were his own home and family. After his wife's death he derived special joy from knowing that his son George, his daughter-in-law Augusta and their children shared his love for Spocott Farm.

In 1908 Senator Radcliffe became a member of the Maryland Historical Society, and for sixty-six years contributed immensely to its growth in size and usefulness. For sixty-four years he served as an officer—Secretary (1911–1931), President (1931–1965) and Chairman (1965–1974). The Senator often said that the Society was not work but a place to which he could turn for a restful change of pace and recreation.

The highlights of the Senator's service as President included an address to the Society by his close friend, then Vice President Harry S. Truman, soon to succeed as President another close friend, President Franklin D. Roosevelt. The subject, “Maryland and Tolerance” was one dear to the Senator's heart. Speaking of intolerance that evening, March 16, 1945, Vice President Truman said, “There is no lasting cure except that found in the impartial recording of history.” Turning to history again, Vice President Truman spoke words to the Senator. “The pages of history remain open for all to read. They stand as an eternal warning against the tragic disasters of the past . . . of course, every generation must meet new problems in light of new developments, but surely they must profit by the experience of the past.”

Developments at the Maryland Historical Society which meant much to Senator Radcliffe would include the Keyser Memorial, including the gift of the Enoch Pratt House, the gift of Francis Scott Key's original manuscript of “The Star-Spangled

Banner," the Thomas and Hugg Memorial Building and endowment, the Jacob and Annita France Auditorium and the Jacob France Endowment Fund, the Darnall Young People's Museum of Maryland History, and the 1973 decision to rename an expanded maritime museum "The George L. Radcliffe Maritime Museum."

The Senator supplemented his devotion to the Maryland Historical Society by accepting other responsibilities related to Maryland history. These included: Chairman of the 1924 Baltimore City Commission which saved the "Shot Tower"; Chairman of the Star-Spangled Banner Committee (1939); Maryland War Records (1942); Chairman of the celebration of the 300th anniversary of the Religious Toleration Act in Maryland (1949); Chairman of the Committee on Historical Markers in Maryland (1954). The Senator's long-time encouragement to local historical societies played a major role in their growth to the point where at least one is now in being in every Maryland county.

When interviewed and recorded on tape last summer by his friend Walter Finch as part of the Society's Oral History project, the Senator responded to a question about his first introduction to politics saying, "According to tradition the first thing an Eastern Shore baby does is look west to Annapolis." His early public service included appointments by his former Cambridge High School principal, Governor Harrington, to membership on the Baltimore City Liquor License Board (1916-1919) and Secretary of State (Maryland) (1919-1923). Senator Radcliffe served as chairman of four Gubernatorial Inauguration committees—Governor Ritchie, 1923, 1926, 1930; and Governor Lane, 1947. In 1932 his friend Franklin Delano Roosevelt, who had been a Vice President of the Fidelity and Deposit Company before becoming Governor of New York State, named Senator Radcliffe as Maryland Chairman of his successful campaign for election as President of the United States. To help President Roosevelt in that difficult period Senator Radcliffe accepted an appointment in 1933 as Regional Director of the Public Works Administration. In 1934 Senator Radcliffe was elected to the first of two terms in the United States Senate. His Senate committee assignments included Finance and Maritime. As Chairman of a Maritime Subcommittee Senator Radcliffe was the chief architect and author of the Merchant Marine Act of 1936. This basic legislation has been described as "the keystone and foundation upon which our maritime laws and our merchant marine function." Just as had been his way in business, the Senator thrived in the United States Senate on work and problems. Never one to set people against each other, he had no sympathy for legislation and programs which advantaged individuals and groups at the expense of others.

The Democratic State Central Committee for Maryland chose Senator Radcliffe as its Chairman for the Presidential Campaign year 1936. He later served as Maryland Chairman of his close friend President Harry S. Truman's successful 1948 re-election campaign. In 1952 Senator Radcliffe served as Chairman of the Chesapeake Bay Bridge dedication.

The Senator's additional interests and contribution to Maryland were many. His ability to enlist people in getting jobs done was reflected in his being called on as just

the right man for many responsibilities. One of these responsibilities which meant much to the Senator was leadership for thirty years of the March of Dimes (Infantile Paralysis Programs) in Maryland. A quick project the Senator often recalled was the construction of a horse-drawn coach within forty-eight hours by Victor Frenkil and Baltimore Contractors for the Oriole's 1954 Homecoming Celebration. Other opportunities for service the Senator responded to were the presidencies of the English-Speaking Union, the University Club and the Eastern Shore Society.

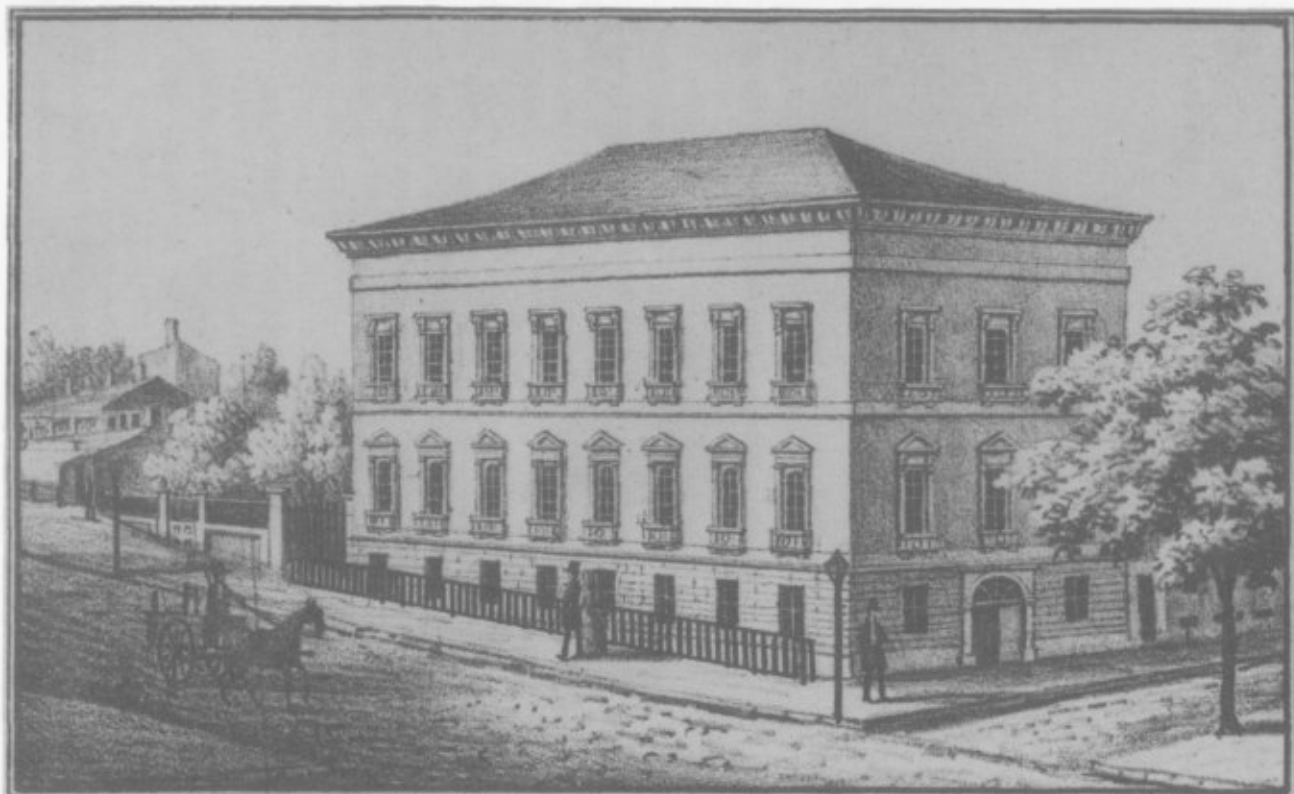
Perhaps closest to Senator Radcliffe's heart were the parts he played in projects related to the Eastern Shore. These would include the Dorchester County Historical Society, Grace Foundation of Taylors Island, the restoration of historic Old Trinity Church and the Chapel of Ease.

One of the happiest occasions of the Senator's life took place on his ninety-fifth birthday. On that day he realized a childhood hope for the reconstruction of Spocott Windmill, which was originally built by his father, used for grinding grain into flour, and blew down in the blizzard of 1888. His vigorous address and the appreciation he expressed on the dedication day for the reconstructed mill will always be remembered by those present.

The Senator steadfastly looked to the future with hope. Each of us who know and study his life will find in his example strength for our own futures. At every stage of life he lived as though he were entering a new career. Those who are fifty-nine will see great possibilities for their futures as they realize they are the same age as the Senator when he began a twelve-year career in the United States Senate. At any age until ninety-six they can look forward with success, as the Senator did, to the realization of his childhood dream that "the old mill would come back." Each of us can, as was true of the Senator, continuously re-live the joy of Christmas and share with the Senator the lifelong happiness and inspiration he found in the Christmas spirit of goodness to all men.

It is an inspiration to look back on the life of Senator George L. Radcliffe. He lived a life in which a sense of the past was linked so beautifully with the realities of the present and an optimistic view for the future.

Samuel Hopkins
October, 1974



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MARYLAND HISTORICAL MAGAZINE

A Quarterly

Vol. 69
No. 4
Winter 1974

A Portrait of Baltimore in 1800: Economic and Occupational Patterns in an Early American City

RICHARD M. BERNARD

IN RECENT YEARS, historians of urban development have focused on the evolution of municipal institutions, the impact of industrialization, and the changes due to innovations in transportation and communications. Yet physical complexes—especially of early American cities—have been largely overlooked. A few writers, notably Allan Kulikoff and Sam B. Warner, Jr., have investigated the structures of eighteenth-century Boston and Philadelphia, but these older cities have geographical patterns that predated the Revolution.¹ Baltimore presents another challenge. A relatively young city in 1800, it was experiencing the mushroom growth of a “boom” town. What factors influenced its physical appearance and social structure? Was it similar to contemporary Boston and Philadelphia, or, on the other hand, to more modern cities?

In the modern city, residential cleavages tend to develop along at least two major lines: economic and ethnic status. Homes, which are usually separated from places of work, often cluster on the basis of wealth and income. Within given economic groups, people of various occupations are able to intermix, and thus an autoworker might live between a retail clerk and a school teacher. However, ethnicity and race are often more important determinants of housing patterns than economic factors, and thus they frequently cause the integration of people with a fairly wide range of wealth.

¹ Allan Kulikoff, “The Progress of Inequality in Revolutionary Boston,” *William & Mary Quart.*, 3rd. Ser., XXVIII (July, 1971), pp. 375–412; Susan B. Warner, “If All the World Were Philadelphia: A Scaffolding of Urban History, 1774–1930,” *Am. Hist. Rev.*, LXXXIV (Oct., 1968), pp. 26–43; Susan B. Warner, *The Private City, Philadelphia in Three Periods of Its Growth* (Philadelphia, 1968).

The problem is then how nearly did the geographic patterns of the inhabitants of early nineteenth-century American cities conform to those of their modern progeny? This essay attempts to answer the economic aspect of that question for one major American city, Baltimore, Maryland. What was the physical and social environment of Baltimore in 1800? Had the city's residential areas yet developed into modern economically-segregated but occupationally-integrated districts?

The thriving city of Baltimore was a booster's delight in 1800. A town of 13,503 in 1790, Baltimore had become an incorporated city of over 26,000 only ten years later. It had nosed out Boston and Charleston to become the third largest city in the new nation and had become a serious threat to the economic supremacy of neighboring Philadelphia.

Founded in 1729 and 1732, respectively, the neighboring villages of Baltimore Town and Jones Town (later called Old Town) expanded very slowly until about 1750 when a combination of frontier wheat and better roads caused the Patapsco River basin to come alive.² Thereafter a stable grain supply from the West and ready markets in Europe and the West Indies assured Baltimore's growth as a mercantile center. During the American Revolution, Baltimore was the largest American port left open by the British, and after the war, its mercantile operations continued to flourish. While Washington was president, the amount of shipping tonnage owned by Baltimore's citizens increased by over 400 per cent from 13,564 in 1790 to 59,897 in 1797; and despite a slowdown in demand when peace came briefly to Europe, the economic future of the northern Chesapeake appeared bright.³

At the turn of the century, Baltimore covered approximately 850 acres around the mouth of the Patapsco, an increase from eighty-eight acres in 1749.⁴ A large portion of this land was scarcely populated, however; for the northeast section of the city, east of Old Town and above the environs of Fell's Point, was largely vacant. Although Warner and Hanna's map of 1801 included this area as part of Baltimore, Folie's 1792 map had only sketched-in streets in the northeast where people had only begun to build homes.⁵ The Warner and Hanna map marked the city's boundaries at Union (now Greene) Street on the west, the rise in the land on the north where the Patapsco's banks had once been (now marked by the Enoch Pratt Free Library, City Hall, and the point where Gay Street crosses the Fallsway) and on the east by the present Chester Street. The city also encompassed Old Town (including the area between

² Clarence P. Gould, "The Economic Causes of the Rise of Baltimore," in *Essays in Colonial History Presented to Charles McLean Andrews by His Students* (New Haven, 1931), pp. 225-251.

³ Ruthella Mory Bibbins, "The City of Baltimore, 1797-1850. The Era of the Clipper, the Turnpike, Mill and Railroad. An epoch of Commerce and Culture," in Clayton C. Hall, ed., *Baltimore, Its History and Its People* (New York, 1912), I, p. 72.

⁴ Gould, "The Economic Causes of the Rise of Baltimore," p. 250. All Statistics on the area of Baltimore have been measured from "Warner & Hanna's Plan of the City and Environs of Baltimore, 1801" by the author. Copies of the map are available from the Md. Hist. Soc., Baltimore, Maryland.

⁵ A. P. Folie, "Plan of the Town of Baltimore and Its [sic] Environs," 1792. Copies of the map are available from the Md. Hist. Soc. Folie used shadings to indicate inhabited areas.



Plan of the Town of Baltimore. A Folie, 1792. *Maryland Historical Society*.

Front and Gay streets), Fell's Point, and the current Federal Hill Park area, which was also largely unused. Baltimoreans had reclaimed sufficient land from both basin and swamps to make Pratt street and its wharves the focus of downtown.

Baltimore Street, the center of the city's mercantile activity, was the most important of the city's 130 streets and roads. About 80 feet wide, it stretched three-fourths of a mile through the downtown area. Paving records through 1797 indicate that most city traffic moved between Liberty Street and the basin although considerable activity must also have occurred on the streets of Fell's Point.⁶

In 1798 federal assessors divided Baltimore into districts for the collection of a

⁶ *First Records of Baltimore Town and Jones' Town, 1729-1797* (Baltimore, 1905); *Records of the City of Baltimore (Special Commissioners), 1782-1797* (Baltimore, 1909). Baltimore began paving her streets in 1782—somewhat later than most of the larger cities of the revolutionary period. Records of appropriations of public funds for this purpose appear through the year 1797.

property tax.⁷ Those boundary lines are the basis for this study.⁸ The assessors cut the city into five parts with an additional tax district created for a vaguely defined area outside the city limits referred to as "the Western Precincts." District One was the "Upper District of Baltimore City, all to the west of McClellans Alley and Hanover Street" and contained the sheriff's office, the Anatomical Hall for teaching medicine, the "Menonisis Meeting House," the German Reformed Church, and the old Hanover Market House. District Two was situated "all to the East of McLalens (McClellans) Alley and West of Calvert Street and to the East of Hanover Street." It held the Court House, which actually bordered between Districts Two and Three at the "head of North Calvert," the City Collector's office, the stamp office, the post office, the jail, St. Paul's Church (Episcopal), a Methodist Church, Marh's Market (probably used primarily by farmers), and the Observatory.

Most of the infant central business area fell into District Three stretching from Calvert to the falls. The mayor, registrar, city commissioners, commissioners of the tax, and health and customs inspectors all had their offices in this district. The English Presbyterian Meeting House, which one traveler called "the handsomest building in town,"⁹ the German Lutheran Church, the German Calvinist Meeting House, the center market, the "new" assembly room and library, and the Holiday Street Theater stood there too. The Fell's Point area, also called the Deptford Hundred, formed the major part of District Four, which included everything east of the falls and below a line from "the run that leads under the causway bridge" between the present locations of Pratt and Gough Streets. This area, which was primarily concerned with maritime activities, contained a Methodist Church, the Roman Catholic Church, and a public market. While District Five was the "Western Precincts," District Six encompassed everything east of the falls and above District Four. That region included the major part of Old Town and was home for a third Methodist Church, Christ Church and the meetinghouses of the Baptists and Quakers.

The economic livelihood of the city revolved around the docks and warehouses of Districts Two and Three. At least 150 warehouses, which serviced some thirty mills along the Patapsco River, stretched from St. Paul's Lane to the fallsway.¹⁰ Since ship captains preferred the Point's deeper waters, which could support displacements of up to 500 tons, the site of this storage area was due less to natural port facilities than the location of the river.

Just above the warehouses, there was an embryonic financial district. Thirty-six of

⁷ These tax lists are labeled "Maryland Tax Lists," MS. 807 by the Md. Hist. Soc. and are available on microfilm (nos. 603-612).

⁸ These divisions were employed because the difficulty in identifying the exact location of specific house numbers would have become a serious problem in more specific units.

⁹ Isaac Weld, *Travels Through the States of North America ... During the Years 1795, 1796, and 1797*, I, pp. 44-45, as quoted in Stuart Weems Bruchey, *Robert Oliver, Merchant of Baltimore, 1783-1819* (Baltimore, 1956), p. 108.

¹⁰ Only 158 warehouses are clearly distinguishable on the tax lists and of these, eight are in District One. John Thomas Scharf, *The Chronicles of Baltimore; Being a Complete History of "Baltimore Town" and Baltimore City from the Earliest Period to the Present Time* (Baltimore, 1874) quoted "an old paper of the year (1799)" which placed the number of warehouses at 170 "chiefly contiguous to the harbor."

forty-nine credit-extending institutions (banks, insurance companies, brokers' offices and counting houses) were in District Three with the heart of the city's finances between Commerce and Light Streets and south of Baltimore Street.

The legal minds of the city perched over these creditors. Fourteen of the community's sixteen lawyers and notaries kept their offices north of the men of finance but below the court house. In fact, eight of the attorneys were in business on Calvert Street alone.

Baltimore's emerging central business district lay on and below Baltimore Street. Most businessmen located either on that street or in the vicinity of the center market just west of the falls. The volume of merchandise handled by thirty of these downtown merchants was large enough to merit private flags on the masts of incoming vessels to signal the arrival of new cargo. Presumably only the most active firms would need such advance warnings in order to make room for large shipments of goods in their warehouses. Only seven firms in the rest of the city used ship flags.¹¹

Finally, Baltimore's entertainment establishments centralized about two areas: around and below the center market and on the Point. These two spots evenly divided about sixty of the city's 104 inns, taverns and coffee houses, with the remaining ones spread throughout the city.

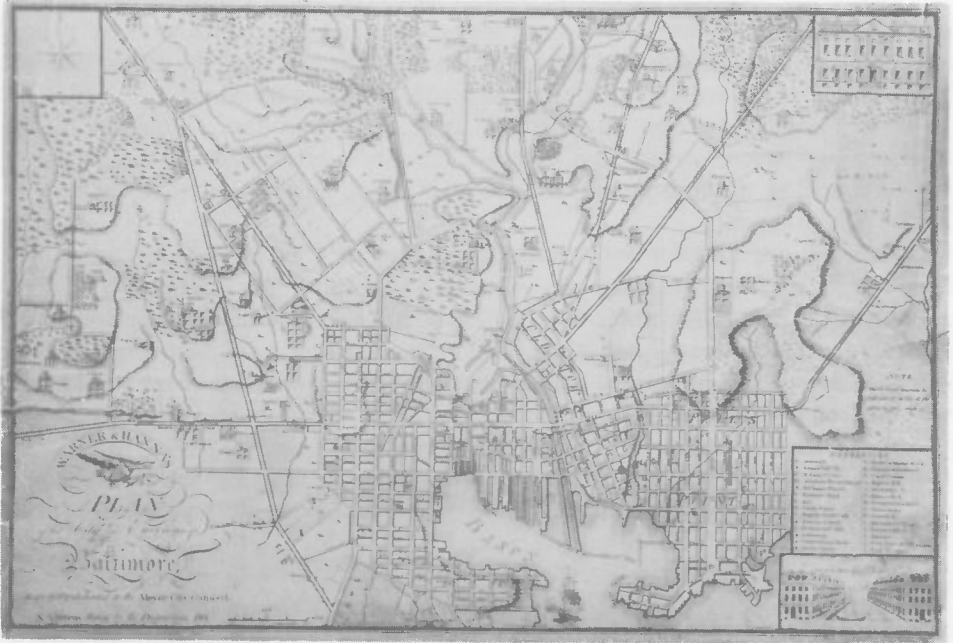
The federal property assessment of 1798 is undoubtedly the best source for data on the physical environs of early Baltimore. These rolls list every main building valued at \$100 or more that was owned or occupied on October 1, 1798.¹² Six men drew up the rolls and reported them between April and December, 1799.¹³ This census of buildings indicated: the number of structures on each lot, renter or possessor, owner, and address of the lot (available for Districts One and Six only); the main building's number of stories, construction material, floor space, and value; the dimensions or area of the lot, outbuildings, "other buildings" (available for Districts One and Six only), vacant lots, wharves; and, slaves along with their owners and superintendents. The assessors found a total of 2855 main buildings and 653 other buildings, making in all 3508.

These records, however, do pose problems. As noted, they are not completely

¹¹ Warner and Hanna Printers, comps., *The New Baltimore Directory, and Annual Register for 1800 and 1801* (Baltimore, 1801 [?]), supp. pp. 18-20.

¹² Obviously, the data is biased against the poorest of main buildings, but the strength of the bias is difficult to determine. According to the newspaper quoted in Scharf, *The Chronicles of Baltimore*, there were about 3500 houses in Baltimore in 1799. The tax rolls list 3508 structures of which 214 were specifically non-residential. In addition there were some 89 non-labeled structures sitting on the same lots with main buildings. Assuming that all of these were non-residential, the number of homes in the assessment would have been around 3200. Probably, then, the number of poor main buildings omitted was under ten per cent.

¹³ The assessors were Thomas Bayly (District One), Robert R. Richardson (Two), Joshua Inloes (Four), and James M. Wilson (Six). The District Three assessor is unknown. Only Inloes, a merchant on Bond Street in Fell's Point can be definitely identified in the 1800-01 directory. Probably all were Federal appointees; Bayly (or Bailey) and Richardson were named federal census takers in 1800. None of the assessors appear in an extensive list of Republicans in Frank A. Cassell, "The Urban Jeffersonians: The Baltimore Experience, 1790-1810," unpublished paper presented to the Organization of Southern Historians in Houston, Texas, November 18, 1971.



Warner and Hanna's Plan of the City and Environs of Baltimore, 1801. *Maryland Historical Magazine*.

uniform. Moreover, most of the pages of District Three have suffered water damage so that the upper left and right corners of every two pages are often illegible. Thus when the researcher extracts his sample of properties, he must compensate for this lost data. A 20 per cent sampling emerged using every fifth lot in Districts One, Two, Four, and Six and as near to every fifth lot as possible in District Three with auxiliary lots drawn systematically from the left (or interior) edge of the righthand page.¹⁴ If this procedure were a random sample, it would yield a 99 per cent confidence level with a reliability of ± 5 per cent; or, put another way, in 99 of 100 cases, statements based on this sample would be correct within plus or minus 5 per cent.¹⁵ Because the sample is large, use of a systematic procedure does not significantly affect the results of the study. To increase this reliability to ± 3 per cent would require sampling over a third of the entries thereby increasing the odds of distortion due to the water damage.

Although not all of these buildings served as residences, the vast majority probably did, for in those pre-horsecar days very few people worked away from their homes.

¹⁴ By contrast, James E. Vance, Jr. employed an 8.6 per cent sample for his influential studies of Birmingham, England: "Housing the Worker: The Employment Linkage as a Force in Urban Structure," *Economic Geography*, XLII (Oct., 1966), pp. 294-325; "Housing the Worker: Determinative and Contingent Ties in Nineteenth-Century Birmingham," *Economic Geography*, XLIII (April, 1967), pp. 95-127.

¹⁵ Herbert Arkin and Raymond R. Colton, comps., *Tables for Statisticians* (New York, 1962), p. 146.



Warner and Hanna's Map with Federal Tax Districts (1798) and City Wards (1797).
City Wards indicated by broken numerals, Tax Districts by solid figure.

Artisans and mechanics built their workshops in their houses, and merchants tended to live in the buildings where they conducted their business. Even Mayor James Calhoun listed the same address for both his office and his residence.

From the sample then it is possible to determine a great deal about the physical surroundings that Baltimoreans constructed. Contrary to the observation of an early newspaper, the "greater part" of the houses do not appear to have been brick.¹⁶ About 48 per cent of the main buildings were brick, but slightly more were frame with a handful of log cabins, especially in District One, comprising the balance. In the downtown section (District Three), however, 64 per cent were brick as were 51 per cent in nearby District Two. In none of the other districts did the percentage of brick homes rise above 45 per cent. Approximately the same locational pattern was true for brick houses in contemporary Boston and Philadelphia.¹⁷

Baltimore's larger homes tended to be nearer to downtown. Although the average Baltimore home at this time covered 659 square feet, those around downtown averaged between 741 (District Three) and 771 square feet (District Two) while those farther out ranged from an average of 669 down to 519 square feet. Probably the most

¹⁶ Scharf, *The Chronicles of Baltimore*, p. 289.

¹⁷ Kulikoff, "The Progress of Inequality in Revolutionary Boston," p. 397; Carl Bridenbaugh, *Cities in Revolt: Urban Life in America, 1743-1776* (New York, 1955), p. 224.

prestigious address in this period was St. Paul's Lane between Baltimore and what is presently Saratoga Street, a handsome location set south of St. Paul's church and north of the city's financial pocketbook. Homes in all these areas were substantially smaller than the 1125 to 1500 square foot structures claimed for Philadelphia.¹⁸

Rooftops also stood taller nearer the center of the city, but the differences between the districts were minimal. In District Three, buildings averaged 2.15 stories while in the less settled sixth district they averaged 1.87. Carl Bridenbaugh noted that three-story buildings were also prominent in the "interior parts" of Philadelphia.¹⁹ Thus, the warmest, most comfortable and most nearly fireproof homes of Baltimore tended to be near the heart of the city.

As might be expected, land space outside these buildings was quite another situation. If a citizen desired "elbow-room," he probably thought twice before purchasing a downtown home. Lot sizes varied a good deal, but the smaller ones tended to be either downtown or on Fell's Point.²⁰ Whereas lots in District Six averaged 3863 square feet, those in District Two had only 2196 square feet. District Three's lots averaged 2604 square feet while on Fell's Point lots were 2504 square feet. Perhaps, Fell's Point's primary service to seamen and not residents can account for such little land space surrounding each structure. Farther west, the parcels of land were larger. The first district average was 3152 square feet. The only unexpected statistics in this group show that lots in District Three were larger than those in District Two. Possibly this was due to the larger percentage of stores to offices in District Three. Third district merchants may have needed space behind their main buildings to store new goods. Although the figures are not completely clear, it appears likely that there were more storage buildings per lot in District Three than in Two.²¹

Only in the third and sixth districts were *all* main buildings over \$100 and their secondary buildings recorded; therefore, comparisons of open space must be limited to these districts. Downtown, buildings covered almost 30 per cent of the ground whereas in Old Town nearly 98 per cent of the land was open space or roadways.²² In other terms, for every building downtown, there remained 3430 square feet of "outdoors," but farther away from the center of the city in District Six there were

¹⁸ Bridenbaugh, *Cities in Revolt*, p. 225.

¹⁹ *Ibid.*, p. 224.

²⁰ These statistics are from the tax rolls themselves, and thus the averages do not include the large amounts of open space on the map. All lots one-half acre or larger were excluded to avoid distortions. Therefore, while no land was ignored in Districts One and Two, James Calhoun's 36,000 square feet of ground downtown were omitted as were the properties of several notable landowners who appeared in the sample from Old Town (Isaac Hall, William Patterson, William Smith) and Fell's Point (Robert Oliver, Daniel Bowley, John Bankson). Generally these large estates tended to be in the fourth and sixth districts.

²¹ District Three's assessor listed almost as many secondary buildings (533) as main buildings (572), but Richardson noted only 35 "outbuildings" in District Two as opposed to 568 main buildings. Richardson and his colleague may have disagreed on the definitions, or perhaps Richardson missed some taxable buildings, or the other assessor listed more than was necessary, for the discrepancy between these adjoining and otherwise similar areas is so large as to be suspect.

²² Actually, these comparisons are not perfect either, for District Six's report includes a few structures under \$100 in value. The gap between the two districts is therefore slightly understated.



First Court House, 1768-1809. From Clayton Coleman Hall's *Baltimore: Its History and People*.

42,775 sunlite square feet for every building. Buildings were certainly closer together downtown.²³

Although their size was not recorded, a large number of vacant lots remained within the settled parts of the city. While it seems likely that fewer lots were still open downtown, the difficulty in determining just what lots were listed and what were not, makes them of doubtful value in studying urban congestion. Their large number (528) suggests, however, that Baltimore, like 1794 Boston, was "still capable of a great increase."²⁴

The primary source for studying the people of Baltimore in this period is Warner and Hanna's city directory for 1800-01. Although the editors did not reveal their criteria for the inclusion of names, the printers probably intended the directory for the use of businessmen. The compilers evidently gathered names twice, for there were additional names added to the main list after it was typeset. The directory listed the names, occupations and addresses of household heads, a description of city and county government and officeholders, the addresses of public offices, a list of merchants' flags, and a record of the current tariff rates. The major problem with the directory is its lack of comprehensive coverage. The directory underreported recent

²³ Similar differences appear when square feet per main buildings are compared: District One, 18,885; District Two, 10,029; District Three, 5,990; District Four, 10,029; District Six, 26,136.

²⁴ Kulikoff, "The Progress of Inequality in Revolutionary Boston," p. 393.

arrivals, blacks and the poor. The compilers probably also ignored people in outer areas of the city, female workers, apprentices, employed sons living at home, and people living in hotels and boarding houses.²⁵ Entries for some business firms failed to report owners' names or residences, and these have been excluded from population figures in this study. By comparison to the federal census of 1800, the number of males listed in the directory (3120) is 65 per cent of the number of estimated men over 21 in the census (4820).²⁶

In order to analyze the Baltimore population on a district basis, a 20 per cent sampling of the directory was employed; but due to the borderline and unidentifiable locations of a number of the entries, the final or working sample was about 14.7 per cent.²⁷ Using this sample it is possible to estimate the number of free people per acre in each district. Once again the downtown area was the most crowded with 74 free individuals per acre while the least populated area was most certainly the sixth district where the open spaces on its east side caused it to average only 15 free people per acre. Surprisingly, the other three districts' figures were very similar: 22 for District One, 29 for District Two, and 27 for District Four, while the city average hovered just under 27. If only the region in District Two above Pratt Street and the Old Town area alone from District Six had been considered, undoubtedly the free population density of these areas would have come closer to that of District Three. In terms of the number of free persons per building, a potentially better index for studying the social interaction of people, downtown was hardly more cramped than the outer areas; for an average 7.14 free people lived in District Three's buildings while 8.07 was the average number of unbonded inhabitants in the buildings of District Six. Even if no one lived in any of the buildings labeled factory, warehouse, store, shop, bank, stable, counting house, office, kitchen, theater or customs house, District Three would still have averaged only 9.6 free people per building, not greatly more than Old Town.

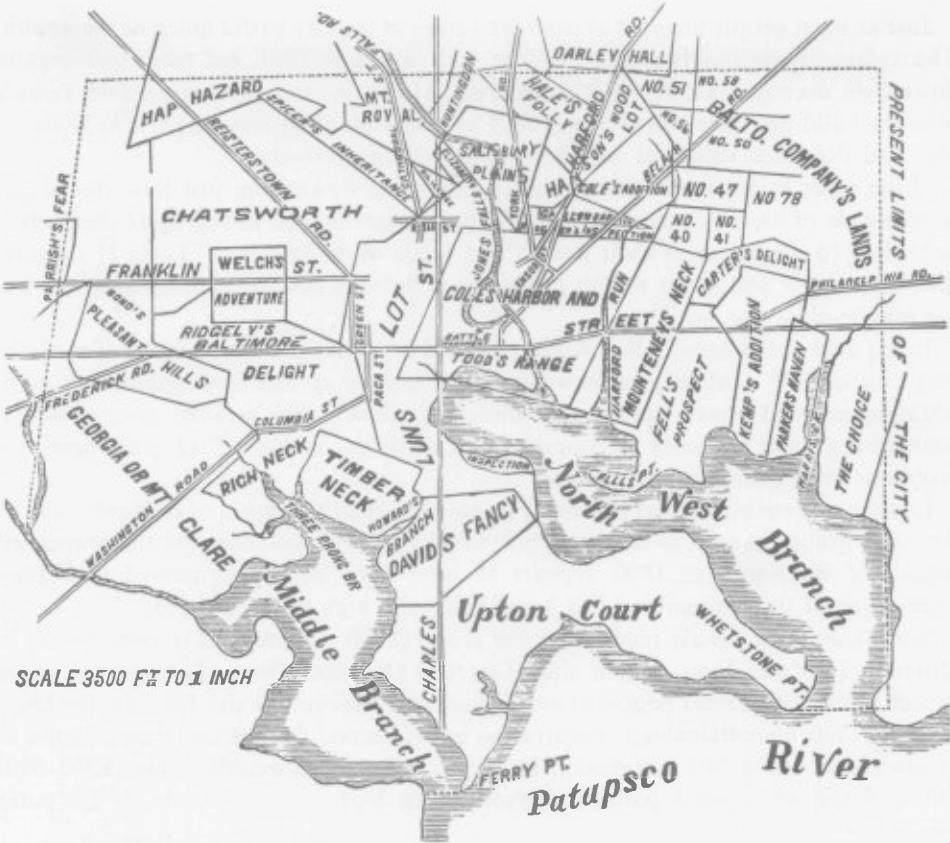
Nearly 50 per cent of the city's *recorded* slaves lived in the heart of downtown. Some 551 of the 1143 slaves listed in the housing records in 1800 dwelt in the third district. The Deptford Hundred houses 231 slaves while 153 and 208 stayed in Districts One and Two respectively. However, unless over 60 per cent of the city's *total* slaves lived in the unreported District Six, then the assessors failed to locate and tax all the slaves that the census taker found.²⁸ This is particularly suspicious because the 1800 census for Baltimore City was reported by Robert R. Richardson, the third district tax assessor.

²⁵ Peter R. Knights, "The Plain People of Boston, 1830-1860: A Demographic and Social Study" (unpublished Ph.D. dissertation, University of Wisconsin, 1969), p. 65, encountered these particular difficulties in working with later directories. See: Knights, "City Directories as Aids to Ante-Bellum Urban Studies: A Research Note," *Historical Methods Newsletter* II (Sept., 1969), p. 5.

²⁶ Averaging the number of men over 16 and over 26 produced an estimate of the number of men over 21 in the census.

²⁷ Were there no bias from systematic sampling or unidentifiable locations, this sample would yield a 95 per cent confidence level with a reliability factor of 5 per cent: Arkin and Colton, *Tables for Statisticians*, p. 145.

²⁸ The 1800 Federal Census listed 2843 slaves.



MAP OF THE ORIGINAL TRACTS OF LAND INCLUDED WITHIN THE PRESENT LIMITS OF BALTIMORE.

From Clayton Coleman Hall's *Baltimore: Its History and People*.

Assuming that the assessors missed slaves proportionally in each district, Baltimore at the turn of the century had a pattern of slave residences similar to that of most antebellum Southern cities.²⁹ Except for District One, slaveholdings were of roughly equal size³⁰ and by the 1820's "all twelve wards had a similar scattering of slaves."³¹ Baltimore was not a typical slave city, however, for only about one-fifth of its families owned slaves. Until the late ante-bellum period, no other border city had so low an incidence of slaveholding.³² Nonetheless, Baltimore did parallel other early nineteenth-century cities in the small number of slaves held by each owner (2.75 for the known districts).³³

²⁹ Richard C. Wade, *Slavery in the Cities, The South 1820-1860* (New York, 1964), pp. 75-79.

³⁰ According to the tax lists, the average size of each owner's slaveholdings by district was: One, 1.8; Two, 2.9; Three, 3.1; Four, 3.0.

³¹ Wade, *Slavery in the Cities*, p. 77.

³² *Ibid.*, pp. 19-21.

³³ *Ibid.*, pp. 21-23.

Just as most people lingered around the center of the city so did much of the wealth. The average main building in Baltimore was valued at \$961, but main buildings in downtown averaged \$1531, in District Two, \$1041. At the same time, Old Town's primary buildings were worth about \$791 apiece while their counterparts in Districts One and Four had values of only \$663 and \$638 respectively.³⁴

If the more expensive buildings were constructed downtown, just how spread out were people of various wealth levels? Did Baltimoreans tend to segregate themselves according to the prices of their homes? An index of dissimilarity [Table 1] suggests that both upper and lower wealth groups were inclined toward such segregation, but the middle-class was not.³⁵

In his study of Boston, Allan Kulikoff found a similar dip in the index of medium wealth groups.³⁶ Middle groups were almost evenly spread throughout Baltimore while upper and lower value, and therefore presumably wealth, groups had a somewhat greater tendency to congregate in particular districts.³⁷ Overall, however, economic segregation appears minor.

Location quotients (LQ's) [Table 2] reveal the specific degrees of concentration of the value groups in each of the districts.³⁸ On the basis of such analysis, the propertied wealth of Baltimore in 1800 appears to have been highly segmented with fully twenty-one of thirty possible LQ's being unusually high (8) or low (13).

Specifically, the lowest recorded value group (\$100-199) tended to concentrate in Districts Two and Four and to shun Districts One and Three. Because we would expect to find the poorer people of an early nineteenth-century city far from the heart of town, their unexplainable concentration in the second district and their absence in District One are mildly disturbing. However, the second wealth group (\$200-399) followed the anticipated pattern perfectly with high concentrations in the outer

³⁴ This downward gradation of property values outward from the central city was and is typical of pre-industrial cities throughout the world according to Gideon Sjøberg, *The Preindustrial City Past and Present* (Glencoe, Ill., 1960), pp. 95-103, and specifically of American cities in the 1800-1840 period according to Allan R. Pred, *The Spatial Dynamics of U.S. Urban-Industrial Growth, 1800-1914: Interpretive and Theoretical Essays* (Cambridge, Massachusetts, 1959), p. 154.

³⁵ The index of dissimilarity shows essentially what percentage of a given group (in this case a main building value group) would have had to move to different districts for the city to have had a distribution of that group equal to the proportional distribution of all groups (in this case all main buildings) within the districts of the city. The scale of the index runs from zero (perfect integration: the proportion of the group in question in each district is the same as for all groups in each district) to 100.0 (perfect segregation: all of the members of the group in question reside in a single district). For a detailed explanation of the formula for the index see: Karl E. Taeuber and Alma F. Taeuber, *Negroes in Cities, Residential Segregation and Neighborhood Change* (Chicago, 1965), pp. 235-238.

³⁶ Kulikoff, "The Progress of Inequality in Revolutionary Boston," pp. 398-399.

³⁷ This finding is particularly notable because the middle-class has been divided such that neither section of it encompassed over 20 per cent of the whole population. Thus, the overall population distribution was less a function of each of the middle groups than of the more numerous groups of both greater and lesser building values.

³⁸ The location quotient for each of the six building value groups in each of the five districts is the percentage of each group located in each district divided by the percentage of all the groups located in that district. Quotients under .75 were considered low concentrations, .75 to 1.25 normal concentrations, and over 1.25 high concentrations.

TABLE 1
Dissimilarity Indices of Main Building Value Groups

Value of Main Building	Index of Dissimilarity	Number in Sample
\$ 100-199	36.2	70
200-399	30.1	127
400-699	13.4	113
700-999	9.0	64
1000-2000	31.1	128
Over 2000	29.2	59
Not Available	....	10

TABLE 2
Location Quotients of Main Building Value Groups

Value of Main Building	1	2	Districts 3	4	6
\$ 100-199	.69	1.43	.43	1.95	.09
200-399	1.40	.79	.04	1.14	1.76
400-699	1.06	.80	.67	1.17	.34
700-999	1.88	.24	1.25	.71	.93
1000-2000	.68	1.49	1.72	.55	.57
Over 2000	.25	1.19	2.12	.63	.89

districts and low concentration at the city's center. More importantly, there were no heavy concentrations of middle value buildings.

Upper value groups, on the other hand, were much more likely to appear in the heart of town. While the \$1000-2000 group settled heavily in both Districts Two and Three, the over \$2000 group concentrated only in District Three.³⁹ With the exception of the over \$2000 group's normal reading in Old Town, these two wealthy groups had very low concentrations in the other tax districts. Thus, the general economic pattern of Baltimore's upper and lower classes in this era resembled that of Philadelphia, Boston, and Charleston, with the wealthy established downtown and poorer people generally out away from the city's core.⁴⁰

The contrast between these two sets of findings, based on the index of dissimilarity and the location quotient, is then crucial. The former suggests a society with a high degree of economic integration. The rich, the middle class, and the poor all seem interspersed. Yet, when the tendency of each group to inhabit each district is

³⁹ While a lack of thorough labeling on the Warner and Hanna map prevents firm conclusions, it appears very likely that most of District Three's wealth groups, including the highest group, lived on or below Baltimore street in the very heart of the commercial area.

⁴⁰ Warner, "If All the World Were Philadelphia," p. 33; Walter Firey, *Land Use in Central Boston* (New York, 1968), p. 45; Bridenbaugh, *Cities in Revolt*, p. 228.

examined, the segregation of the wealthy, and to a lesser extent the poor, appears.⁴¹ But, again, these economic divisions still followed the traditional pattern of wealth decreasing outward from downtown.

It is thus evident that each individual district had a character of its own. On the city's west side, District One was comprised largely of small, low, frame structures located on large lots with a great deal of open space and not many people. The residents, whose slaveholdings were modest, were largely from the lower and upper middle wealth groups. Closer to downtown, District Two contained large buildings about evenly split between brick and wood but placed on very small lots and surrounded by less open space. Both the district's population density and its slaveholdings approximated the city's averages. Although the district's buildings were fairly expensive, a curious mixture of rather poor and near-rich people inhabited the area. Downtown in District Three, buildings, which were mainly brick, were relatively tall and contained much floor space, but they sat on small lots and looked out on comparatively little open area. Despite its dense population, this was easily the wealthiest part of the city with building values almost proportional to building concentration. The city's largest slaveholdings were here.

Wood was the characteristic construction material in District Four where the horizontal and vertical dimensions of the buildings stayed near the city averages. Lots were small; open space was average. The population density in terms of the area was high; but considering the residents' poverty, surprisingly low in terms of people per building. Contrary to expectations, there was no clustering of boarding houses. District Six contained some of the city's least attractive structures. Mostly wooden, these buildings were quite small and low. Built on the largest lots in Baltimore, they housed families of lower middle wealth. The spaces were wide and open with only a few people per acre.

The next question is what occupational groups inhabited these different sectors of the city. The index of dissimilarity [Table 3] reveals the extent of clustering among these occupations. Unfortunately the city directory does not provide much information on laborers and mariners with the exception of captains; so, two of the most interesting groups are immediately blocked from study. The indices of the known groups appear low.

The story changes only slightly when more specific occupational groups are employed although certain merchant groups do register significant increases [Table 4].

In regard to Table 3, artisans and mechanics were predictably well distributed throughout the city. Because they comprise 56 per cent of the sample, they exert great influence on the distribution of the overall population sample. Merchants and government-professional groups were somewhat more segregated; only the relatively small sample of sea captains showed a significantly high segregation figure.

Even this analysis understates the economic segregation because the data does not indicate the number of poor people who lived in backbuildings and basements of larger homes. While these people populated the same districts that richer people did, they were nonetheless separate from them.

TABLE 3
Dissimilarity Indices of Major Occupational Groups

Major Occupational Group	Index of Dissimilarity	Number in Sample
Laborers	....	6
Mariners	....	4
Captains	45.8	16
Artisans-Mechanics	7.8	236
Merchants	21.3	125
Government-Professional	21.2	32

TABLE 4
Dissimilarity Indices of Specific Occupational Groups

Specific Occupational Group	Index of Dissimilarity	Number in Sample
Garment Workers	8.3	34
Leather Workers	11.3	31
Metal Workers	14.7	35
Inn & Tavern Keepers	16.4	16
Grocers (merchants)	16.7	36
Food Processors (art.-mech.)	19.4	19
Construction Workers*	23.3	76
Merchants (only label)	24.6	28
Merchants with Counting Houses & Brokers	53.1	12
Dry Goods Merchants	58.8	12
Non-transportation Service Workers (barbers, sawyers, etc.)	67.4	10

* Includes eight shipbuilders.

Moreover, at the more specific level of Table 4, artisans and mechanics still tended to be more integrated than did merchants. In fact, most specific merchant groups were more clustered than merchants as a whole. However, as was the case with economic groups, no occupational grouping was drastically segregated.

These findings are quite similar to those made by Allan Kulikoff for Boston in 1790 and Sam Bass Warner, Jr. for Philadelphia in 1774.⁴² Even allowing for differences in the definitions of occupational groups and city districts, only a relatively few variances appear among the three cities. In Baltimore sea captains and food processors were

⁴² Kulikoff, "The Progress of Inequality in Revolutionary Boston," p. 399; Warner, "If All the World Were Philadelphia," pp. 36-37. The index similarities among the cities include:

<i>Boston (1790)</i>		<i>Philadelphia (1774)</i>		<i>Baltimore (1800)</i>	
Leather Crafts	8.3	....		Leather Workers	11.3
Building Crafts	25.9	Building Trades	21.2	Construction Workers	23.3
Merchants	25.9	Wholesale & Retail	20.5	Merchant (only label)	24.6
Retailers	16.7			Storekeepers	23.6

much more segregated than in the other two cities. Government-professional people were more segregated on the Chesapeake than in Boston, but their level of segregation was roughly the same in Baltimore and Philadelphia. Garment workers spread themselves more evenly in Boston and Baltimore than in Philadelphia, and metal workers were somewhat less segregated in Baltimore than in the other two communities. On the whole, however, occupational patterns of segregation in these mercantile cities appear to have been much alike.

Why then were specific craft-related occupations so strikingly well-distributed throughout these cities? In a modern metropolis, this spread might result from a city's economic class structure and industrial separation of residences from places of work. Modern workers more often select their homes on the basis of wealth and income than on the basis of their neighbors' occupations. Class-structured neighborhoods now give workers an economic criteria for their housing decisions. At the same time, modern manufacturing does not require its employees to live in the same buildings where they work. Thus, aided by improved transportation, workers are now freer to inhabit a wider area.

Neither of these explanations is satisfactory for early nineteenth-century Baltimore. Although upper and lower wealth groups did tend to concentrate in given areas, middle wealth groups, presumably including the majority of the city's artisans and mechanics, did not segregate but instead spread over the city. Thus, even if they had so desired, Baltimore's middle-class inhabitants lacked the alternative of forsaking their occupational colleagues to live among economic peers of various callings. Moreover, due to the limits of transportation and industrial technology in 1800, no distinct residential neighborhoods of any kind existed apart from work areas. Instead,



First Court House. From Clayton Coleman Hall's *Baltimore: Its History and People*.

TABLE 5
Location Quotients of Occupational Groups

Occupational Groups	Districts				
	1	2	3	4	6
Ship Captains	1.35	.91	.36	3.45	.39
Garment Workers	1.23	1.05	1.32	.34	.81
Leather Workers	.68	1.23	1.34	1.30	1.07
Metal Workers	1.90	1.64	1.19	1.15	.16
Food Processors	1.38	1.88	.67	.60	.87
Construction Workers*	1.03	.94	.51	1.21	1.66
Non-transportation Service Workers	....	1.43	1.92	1.15	....
Inn & Tavern Keepers	.92	.60	.62	2.30	1.16
Grocers	2.45	.27	.66	1.23	1.19
Merchants (only label)	.53	2.06	.99	.79	.89
Merchants with Counting Houses & Brokers	....	1.61	6.94	....	....
Dry Goods Merchants	....	....	1.82	....	1.56

* Includes eight shipbuilders.

middle-class people of all occupations had spread both their homes and work places across the city.

The answer to this spread may simply be that the city was too young and too small to necessitate the division of craftsmen into separate homogenous residential areas. In a seventy-year-old city of only 26,000, artisans and mechanics may have had neither the time nor the need to cluster together. The city did not yet span more distance than a man could conveniently walk.

While overall Baltimore was occupationally integrated like modern cities, it nonetheless contained small pockets of job-related segregation. The next step is, therefore, to utilize location quotients to determine where these pockets existed [Table 5].

Again, laborers and mariners can not really be analyzed because of their small sample sizes, but based on house values, laborers might have concentrated in Districts Four and Six and sailors might have stayed close to the basin around Fell's Point. The latter assumption was confirmed by traveler Dr. John D. Schoepf, who added that the younger partners in trading firms also inhabited the Point in order to watch over their companies' affairs.⁴³

Although no clustering pattern appears when artisans and mechanics are taken as one large group, the aggregate figures hide concentrations of five specific occupations. Construction workers settled heavily around Bridge Street (now Gay Street from the Fallsway to Monument) with seventeen of twenty-three construction workers in District Six choosing that area.⁴⁴ This may have been the cheapest housing available

⁴³ Quoted in Bruchey, *Robert Oliver*, p. 109.

⁴⁴ Since only eight carpenters from Baltimore's still small ship building industry appeared in the sample, they were excluded from specific analysis. Seven of the eight did live in the fourth district, however.

near to the city's growing east side. Metal and leather workers both required steady supplies of materials so they centralized around certain depot areas for those raw goods. Metal workers chose a one square block area east of Light Street and below Baltimore Street while leather workers preferred a diagonal area running northeast from Cheapside to roughly the corner of Baltimore and Gay. Food processors selected two locations: butchers performed their unpleasant duties on the city's far west side while other food handlers located on the one block of curiously labeled Primrose Alley (now part of Lombard Street east of Charles). Several livery stables stood just north of the small central business sector. By the nature of their trade, the printers also took downtown locations.⁴⁵ Finally, there was a statistical concentration of garment workers in District Three, but these artisans scattered throughout the district.

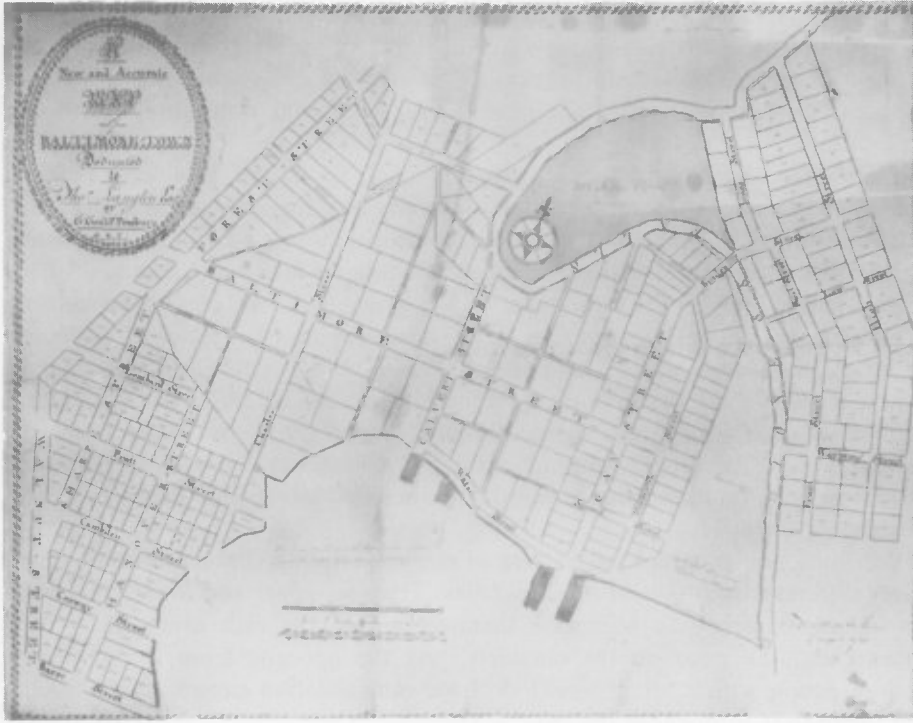
As expected, sea captains grouped tightly around the shoreline at Fell's Point with nine of the ten sampled living within four blocks of the water. Merchants too followed the anticipated pattern, settling heavily in District Three. The most concentrated of the downtown merchants were those connected with finance and living near their offices and the dry goods sellers, ten of eleven living on Baltimore Street. Smaller clusters of merchants appeared in Districts Two ("merchants only" on three blocks of Baltimore Street west of Calvert) and One (grocers: ten of twelve within two blocks of North Howard and about five blocks from most of the butchers). A small boarding house district seems to have also existed between Gay and Frederick Streets downtown. The sampling of professional people alone is too small for any comment beyond the proximity of residences to the previously cited law offices around North Calvert. Government people will be noted below.

The difference between the overview and the more specific analysis is again important. A descriptive writer might well have noted the interspersal of merchants and artisans and reported only that Baltimore was highly integrated. Indeed, a very mixed city appears when the index of dissimilarity is employed. Yet, the location quotient reveals several pockets of occupational segregation.

Using the 1798 property assessments and the city directory, we can make only the most tentative direct statements about the relationship of wealth, occupations, and geography in the city. The tax lists do not show occupations, and of course the directory does not indicate wealth. Unfortunately only 137 of the 571 (24 per cent) names in the tax roll sample can be identified by both occupation and residence with any degree of certainty.⁴⁶ From these figures it appears safe to say only that merchants owned much more expensive buildings (average value, \$1140) than did artisans and mechanics (\$579) and that a ranking order beginning with the wealthiest

⁴⁵ Pred, *Spatial Dynamics*, p. 203, claimed that New York printers were "locationally stable" in the central business district because they were "intensive utilizers of space" and needed "to realize 'communication economies'" and because of rapid changes in the demand market in the business sector.

⁴⁶ A match was considered relatively certain if the person owned only one house on a given street, or, if streets were not given in the tax roll, only one house in the district, and that house was on the same street, or, when no tax roll address was given, in the same district, as the person's listing in the directory. This sort of caution prejudiced the findings slightly against those who owned several pieces of property in the same district as their residence.



Map of Baltimore Town, 1780. By G. Gould's Presbury.
Maryland Historical Society.

group would read: merchants, government-professionals, artisan-mechanics, sea captains, and other maritime workers.

The most expensive buildings of both merchants (\$2007) and artisans and mechanics (\$1309) were located in District Three while the least costly structures of both groups were in the Deptford Hundred (merchants: \$732; artisans and mechanics: \$387). The gap between merchants and artisans and mechanics was the largest downtown (about \$700) and the smallest in Old Town (about \$175). From this data, it is impossible to conclude whether economic or occupational status was the more important determinant of residential location for middle wealth groups.

This study suggests the need for further exploration of young American cities. Much remains to be discovered about their geographical, not to mention their sociological and political, structures. We need a number of such studies before we can make substantial comparative statements.

Such geographical studies are useful in several ways. They might offer new perspectives to social isolation within cities divided by physical barriers as well as wealth, occupation, and social status. A situation where few people leave their homes to go to work hints at this sort of isolation. Indeed, over three-fourths of the daily

journeys-to-work made in Baltimore occurred in or near District Three, so it seems likely that many people living in the outer regions had little notion of affairs in the downtown area. The immediate importance of such an intra-urban segregation of people can be seen in the fight between Fell's Point and Baltimore Town over incorporation.⁴⁷

The economic and occupational geography of Baltimore produced political repercussions. The rich mercantile section of the city was distinctly overrepresented in the city government, for three of the city's eight political wards were in District Three. While the wards in District Three averaged 201 adult white males, the rest of the wards averaged 459.⁴⁸ At the same time, by any grouping of the city's officeholders, the west side residents of District One were underrepresented. Elected city officials were, of course, concentrated in District Three, which was also the home of Baltimore's only state assemblymen, Robert Smith and James H. McCulloch. Appointed officials were evenly spread through four districts with District One the neglected area. The urban geography of the Chesapeake provides, therefore, important insights into the locus of political power and leaves little doubt as to who ran Baltimore in 1800.

To conclude, the geographical pattern of early nineteenth-century Baltimore was certainly different from that of modern cities. True, its upper and lower classes did display some tendency to segregate themselves, but the rich more often lived downtown and the poor on the outskirts, just the opposite from today's cities. Moreover, people with medium wealth declined centralization almost altogether and spread themselves throughout the city.

Occupationally, the geography of Baltimore was important in three aspects. First, Baltimoreans of different callings tended to intermix to a very great extent. The most integrated group within the society was the artisan-mechanic group, but their intermingling cannot be explained in modern terms. In all probability they did not merely integrate with members of their own economic class; wealth does not seem to have been a segregating factor within the middle class. Secondly, Baltimore's youth and small size relative to modern cities were probably the real reasons for its occupational integration. Baltimoreans did not work in central locations and then depart at the end of the day to dispersed residences as modern workers do. Neither the city's size nor its technology allowed manufacturers to separate home from workbench. Finally, this overall intermixture of people permitted some particular clusterings that may have been important on a neighborhood basis but remained less noticeable in the broad scope of the city.

Although Baltimore was not yet a modern city, spatial relationships among its people were playing important roles in the city's development. Physical environment was a preeminent factor in determining the social and political interactions of Baltimoreans.

⁴⁷ William Bruce Wheeler, "The Baltimore Jeffersonians, 1788-1800: A Profile of Intra-Factional Conflict," *Md. Hist. Mag.*, LXVI (Summer, 1971), p. 160.

⁴⁸ *Ibid.*, p. 166, map.

Ellen Spencer Mussey and the Washington College of Law

CATHERINE M. ROTTIER

A CURIOUS SITUATION PREVAILED in the nation's capital during the 1890's: qualified women were eligible to practice before all District of Columbia courts, before the United States Supreme Court, and before all executive departments of the federal government, while at the same time they were denied admission to the four Washington law schools run mainly for white students. To be sure, Howard University's law department had been open to women since its founding in 1869, but the popular prejudice against close association with Negro men all but foreclosed that option to the average white woman of that era. For her, the path to a legal education remained blocked until 1898, when the Washington College of Law, a school established "primarily for women,"¹ was founded by two pioneer female attorneys, Ellen Spencer Mussey and Emma M. Gillett.

Though, in one sense, the Washington College of Law was a response to a single discriminatory situation, in another sense, the school's founding was part of a general movement to break down the barriers obstructing women's participation in the legal arena. It would be useful, therefore, to review the milestones of that movement before proceeding to a description of the growth and impact of the college.

I

Women's entrance into the field of law has been a slow and difficult process. As a career for American women, law remained closed until late in the nineteenth century. True, early records indicate that colonial women did occasionally act as attorneys for their husbands in suing for fulfillment of contracts and defending suits, often in their husbands' absence. Other female colonists made court appearances in legal actions involving their own property. Still, it was defense of personal and familial economic interests, rather than the profession of law itself, that seems to have drawn these women into colonial courts. Perhaps the woman who most nearly approached the status of a practicing lawyer was Mistress Margaret Brent. Besides supervising her own manor, she was appointed in 1647 as the sole executor of the estates belonging to Governor Leonard Calvert of Maryland. In that capacity, and as attorney for herself and her brother, Captain Giles Brent, she became involved in numerous legal tangles.²

¹ Washington College of Law Catalog for 1898-99, Archival Scrapbook, 1896-1913 (VI), W.C.L. Library, American University, Washington, D.C.

² Richard B. Morris, *Studies in the History of American Law With Special Reference to the Seventeenth and Eighteenth Centuries* (New York, 1930), pp. 130-133.

Over two centuries passed before women regained the degree of access to the courts that Mistress Brent had enjoyed. Ironically, in some ways less freedom of activity for women followed the American Revolution than had preceded it. Much that had been tacitly permitted during pioneer days was denied formal approval by post-Revolutionary lawmakers. Newly instituted state bar requirements, for example, often displaced women completely by confining eligibility to white males. Even in those states where no statutory prohibitions prevailed, social conventions were generally enough to keep "proper ladies" from involvement in the sordid world of law. For, as Elisabeth A. Dexter suggests in her *Career Women of America, 1776-1840*, the growth of prosperity in the fledgling nation had fueled a desire for conspicuous display, which found expression in the rise of a leisure class of women, whose very idleness was thought to reflect credit on their husbands and fathers. In most cases the ideal of dignified leisure was, Mrs. Dexter notes, nothing more than a polite fiction. Supposedly "idle" women generally spent long hours at household duties, while thousands of others held jobs outside the home.³ Nonetheless, the conviction grew among both men and women that worldly affairs were pre-eminently a male domain. This was particularly true for the legal field because of the widespread belief that the female mind could not cope with the intricacies of legal arguments.

The first woman to flout social convention by becoming a member of the bar was Arabella A. Mansfield. Curiously enough, it was largely the magnanimity of the presiding judge that accounted for her admission to the Iowa bar in 1869. After all, the statute providing that "any white male person" might be eligible to practice law in the state had quite clearly been designed to exclude women and blacks. The examining committee, whose advice the judge followed, circumvented the legislature's obvious intent by invoking the rule that "words importing the masculine gender only may be extended to females."⁴

Other judges were less benevolent in ruling on women's claims for bar admission. During the last third of the nineteenth century, in fact, various state supreme courts upheld their exclusion. Frequently the judges grounded their decisions on the principle of judicial restraint: in other words, they bowed to the will of the legislature and declined to admit any class of persons that it was the legislative intent to exclude.⁵ In a lesser number of cases, the justices were themselves proponents of the notion that woman's nature was somehow unsuited to the legal profession.⁶ This sentiment received its classic exposition in the concurring opinion of Justice Joseph Bradley in the case of *Bradwell v. Illinois*,⁷ decided by the highest tribunal of the land in

³ Elisabeth Anthony Dexter, *Career Women of America, 1776-1840* (Francetown, N.H., 1950), pp. 223-225.

⁴ Ada M. Bittenbender, "Women in Law," in A. N. Meyer, ed., *Woman's Work in America* (New York, 1891), pp. 221-222.

⁵ For examples, see: *In re Leonard*, 12 Ore. 93 (1885); *Lelia J. Robinson's Case*, 131 Mass. 376 (1881); *In re Bradwell*, 55 Ill. 535 (1869).

⁶ For example, see: *Re Goodell*, 39 Wis. 232 (1875).

⁷ 16 Wall. (U.S.), 130 (1872).



Mrs. Ellen Spencer Mussey. Founder and Dean of the Washington College of Law.
1896-1913. *Courtesy of Washington College of Law.*

December, 1872. Reasoning that "the natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life," Bradley voted with the majority to uphold Illinois' rejection of Myra Bradwell's request for bar admission. To refuse her petition, Bradley thought, was only in keeping with divine directive. For, as he wrote:

The paramount destiny and mission of woman are to fulfil the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases.⁸

Justice Bradley's opinion notwithstanding, there were by the 1870's some indications that women would be accepted in the field of law. For one thing, state

⁸ *Ibid.*, pp. 141-142.



Spencer Homestead, Geneva, Ohio. *Courtesy of Washington College of Law.*

legislatures began to reverse their exclusionary policies. Prodded by judicial rulings that denied women bar admission, the legislators of Wisconsin, Illinois and Massachusetts all enacted remedial laws to remove disabilities based on sex. The trend to open the legal profession to women gained momentum, so that by 1900 thirty-four states were admitting them to the bar on an equal basis with men.⁹ Nor was the situation in several of the other states necessarily restrictive: rather, it was uncertain simply because no woman had yet applied to test the law. By 1920 all uncertainty, as well as all conscious impediments, had apparently vanished, for, according to a bulletin of the United States Department of Labor, eligible candidates were by that year admitted to the bar in all states without regard to sex.¹⁰

Another important restriction on women lawyers was removed in 1879, when Congress passed a law permitting qualified female attorneys to practice before the United States Supreme Court. Credit for this innovation must go largely to Belva A. Lockwood, one of Washington's first woman lawyers. Having graduated in 1873 from National University Law School (under an earlier charter which admitted women), Mrs. Lockwood was accepted as a practicing attorney before the District of Columbia bar. Much of her legal work concerned claims against the federal government, and in

⁹ Isabella M. Pettus, "The Legal Education of Women," *Albany Law Journal*, LXI (1900), p. 300.

¹⁰ U.S. Department of Labor, Women's Bureau, Bulletin No. 265, *Employment Opportunities for Women in Legal Work* (Washington, D.C., 1958), p. I.

that connection she found admission to the bar of the Supreme Court desirable. The court, however, noting the absence of specific enabling legislation and finding no precedent in English common law, denied her application. Since the court was apparently determined not to admit women lawyers until there was specific Congressional sanction for such a move, Mrs. Lockwood set about obtaining the needed legislative approval. Her one-woman lobbying campaign was rewarded not only by the passage of the 1879 law but also by her admission that same year to the Supreme Court bar. Fittingly, she was the first woman to have that privilege.¹¹

Hand in hand with the gradual movement to admit women to the bar came halting progress in the area of legal education for prospective female attorneys. In fact, it was only a year after Mrs. Mansfield's successful entry to the Iowa bar that the first woman graduated from an American law school: Mrs. Ada Kepley took her degree in June 1870 from the Union College of Law in Chicago. Around the same time, other institutions, including the law schools of Washington University in St. Louis and of the University of Michigan in Ann Arbor also opened their doors to members of both sexes.¹² The drift to admit women as law students gained adherents in the last two decades of the nineteenth century, but there were notable holdouts: Harvard, Yale, Columbia, and the University of Virginia all restricted their law schools exclusively to men until well into the twentieth century.¹³ Only in 1950, in fact, did Harvard enroll its first female law student. An earlier breach in the school's all-male tradition had nearly occurred in 1899, when the Harvard law faculty voted favorably on a young woman's request to enter the legal program. Their consent was conditioned on the understanding that the woman would be admitted as a graduate student of Radcliffe College and would only take courses and examinations at Harvard. Even such a compromise proved too radical a step for the Harvard Corporation, however. Acting as overseers of Radcliffe, they vetoed the plan, and the woman was therefore denied entry.¹⁴

Conditions at the turn of the century, then, gave the prospective woman lawyer cause for both hope and frustration. While people were getting over the initial shock of seeing women in new and unexpected roles, the female attorney was still widely regarded as something of a social oddity. Furthermore, legal and educational restrictions against women lawyers were easing, but several states and several law schools held out against the general trend. Numbered among the intransigent institutions were Washington's four exclusively male law schools: those of National University, Columbian College, Georgetown University, and The Catholic University of America. It was in this milieu and in the face of this intransigence that the Washington College of Law was established in 1898.

¹¹ Elizabeth Cady Stanton, Susan B. Anthony, and Mathilda Joslyn Gage, eds., *History of Woman Suffrage* (6 vols.; New York, 1969), III, pp. 106-110 and 138-141.

¹² Thomas Woody, *History of Women's Education in the United States* (2 vols.; New York, 1929), II, p. 373. See also: Lelia J. Robinson, "Women Lawyers in the United States," *The Green Bag*, II (1890), p. 17.

¹³ Beatrice Doerschuk, *Women in the Law: An Analysis of Training, Practice and Salaried Positions* (Bulletin No. 3; New York, 1920), p. 25. See also: Woody, *Women's Education*, II, pp. 375-376.

¹⁴ *The Centennial History of the Harvard Law School, 1817-1917* (Cambridge, 1918), p. 55.



General R. D. Mussey. *Courtesy of Washington College of Law.*

II

The Washington College of Law was founded by two D.C. attorneys who knew from personal experience the obstacles awaiting the would-be woman lawyer. After all, both founders, Ellen Spencer Mussey and Emma Gillett, had themselves faced and surmounted those same impediments.

In Mrs. Mussey's case, the struggle to become a lawyer had been undertaken only as necessity dictated. Born May 13, 1850, the tenth child of Persis and Platt Spencer,¹⁵ she exhibited no interest in the legal profession until well after her marriage to General Reuben Delavan Mussey in 1871. Even then, it was only in view of her lawyer-husband's ill health and the consequent drain on family finances that Mrs. Mussey began to look after her husband's law practice in 1876. When, about two years later, General Mussey had recovered sufficiently to resume his own legal work, she would willingly have retired to domestic duties had not her husband been so impressed with her talents that he asked her to remain and assist him in the law office.

Little or no thought was yet given to the possibility of Mrs. Mussey's actual admission to the bar. That became a goal only in 1892 when General Mussey's death

¹⁵ The following biographical material on Ellen Spencer Mussey was extracted largely from the Platt Spencer Papers, The Newberry Library, Chicago, and from Grace Hathaway, *Fate Rides a Tortoise: A Biography of Ellen Spencer Mussey* (Chicago, Philadelphia & Toronto, 1937). See also the article on Mrs. Mussey in *The National Cyclopaedia of American Biography* (New York, 1965), XLVII, p. 578.

left her a 42-year old widow with a family to support. Having sixteen years of legal experience behind her, she sought admission to the law school of Washington's National University in the fall of 1892. The university refused her application, even though under an earlier charter women had been eligible for admission to the law school. The charter had been amended to exclude women, the officials stated, because the male students had objected to the presence of women in their classes. Thus, they contended, female enrollment had an adverse effect on the number of men attending the school. Her application to the law school of Columbian College (later to become George Washington University) was likewise refused, this time because of a Board of Trustees' ruling that women had not the mentality to study law.

Luckily for Mrs. Mussey, formal legal education was not at that time an absolute prerequisite for admission to the D.C. bar. At least three years of legal study were mandatory, but those years might be spent either under the direction of a competent attorney or in "diligent study" at any law school.¹⁶ Long years of training in her husband's office having amply qualified Mrs. Mussey under the first alternative, only one hurdle, the bar examination, remained. This hurdle too was quickly surmounted when the judges of the District of Columbia Supreme Court, reviewing her long experience and her present poor health, decided that an informal oral exam would suffice. Passing that test easily, Mrs. Mussey took the attorney's oath and was admitted to the practice of law on March 28, 1893. Three years later, she had the honor of becoming the thirteenth woman certified to practice before the U.S. Supreme Court.

Though Ellen Spencer Mussey joined the ranks of pioneer women lawyers mainly as a result of circumstances rather than design, there was much in her past to suggest that the role of social iconoclast was not an uncomfortable one for her. She was raised by fervent abolitionist parents in a home that was part of the underground railroad in Ohio.¹⁷ The Spencers were also proponents of the temperance cause, even going so far as to bring drunkards into their household for care and reformation.¹⁸ Then too, Ellen's father, who was renowned as the originator of the Spencerian System of Penmanship, moved the entire family to Oberlin, Ohio in 1859 so that the older children could attend Oberlin College, that radical institution, founded in 1833, which was the first American college to admit women and blacks on equal terms with white males. As for Ellen herself, she began to teach in one of her father's penmanship schools at the age of twelve.

After the death of her parents, she lived with various brothers and sisters until 1869 when she moved to Washington, D.C., there to take charge of the ladies' department

¹⁶ District of Columbia, *Digest of Decisions* (Cogley), 1892, p. 86. Reprinted in Jean Schade, "The Washington College of Law—A History From the Founding of the College Until Its Merger with The American University, 1896–1949" (unpublished research paper, Department of Library Science, The Catholic University of America, 1969), p. 39.

¹⁷ Hathaway, *Fate Rides a Tortoise*, p. 6.

¹⁸ Ellen Spencer Mussey, "A Sketch of the Life of Persis Duty Spencer," *Geneva (Ohio) Free Press-Times*, Sept. 12, 1914.



Students of the Spencerian Business College.
Courtesy of Washington College of Law.

in a Spencerian Business College. The department she was to head had been established principally to train women for government service, a field newly opened to members of the female sex. In Washington, she met and married General Mussey, himself a man willing to undertake socially disapproved tasks. A journalist until the outbreak of the Civil War, Mussey had then volunteered to raise Negro soldiers for the Union and subsequently had become Colonel of the One Hundredth Regiment of Colored Troops. Raised to the rank of Brevet Brigadier-General, he went to the White House as military secretary to President Andrew Johnson in 1865. Within a few years he determined on a law career and was admitted to the bar through oral examination. As part of his practice, Mussey served as the first legal counsel for the National Society of the Red Cross, which was organized in 1881 by Clara Barton. Following his death, the organization, on the specific request of Miss Barton, transferred its legal problems to Mrs. Mussey. Thus it was she who gave the Red Cross legal guidance during the trying days of the Spanish-American War.¹⁹

Like Mrs. Mussey, Emma Gillett was raised in a rather progressive atmosphere; unlike her, Miss Gillett was early determined to make her way in the legal profession.

¹⁹ *New York Tribune*, Aug. 28, 1898, in Archival Scrapbook, 1896-1913 (VI), p. 4.

For her, it was not the push and pull of events alone, but a conscious desire to enter the field of law that directed her course. Born in Wisconsin in 1852,²⁰ she spend the greater part of her youth in her grandfather's Pennsylvania household. Probably her devotion to equal opportunities for women dated from those early days, for as one biographical sketch maintains:

The atmosphere of this home was remarkably liberal. Her mother wore the reform dress of that period, with the full approval of her family, and Miss Gillett's grandfather advocated the most advanced views as to the privileges of women and the integrity of thought in every direction without regard to traditions.²¹

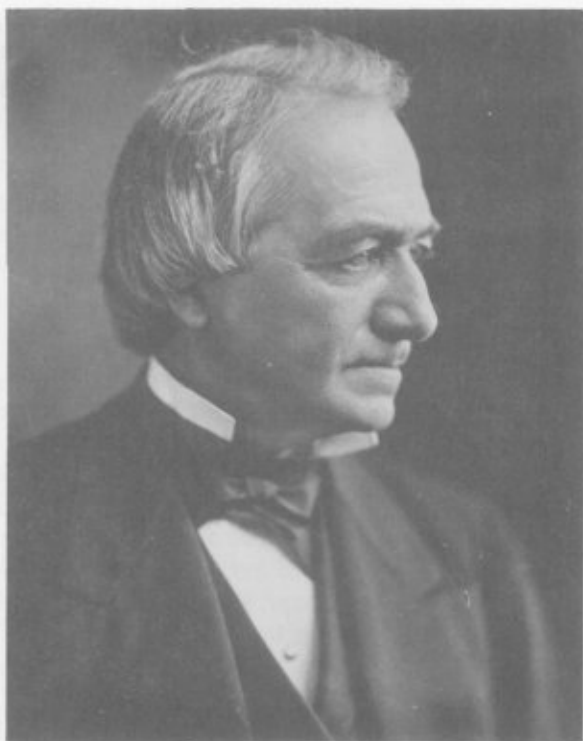
Having graduated from Lake Erie Seminary in 1870, she taught for a few years before deciding on a career in law. In 1880, then, she came to Washington in search of a legal education. After initial training in the law office of Belva Lockwood, she cast about for a more formal program of study, and, finding that none of the area law schools confined solely to white students would admit her, enrolled in Howard University. Certainly a bold action for a white woman of that day, her enrollment is one concrete index of how earnestly she desired a law degree and how strongly she disavowed those social taboos that impeded her path. The coveted bachelor of laws degree was gained in 1882; the following year, she acquired the LL.M. from the same institution. Shortly after her graduation she was admitted to the D.C. bar, and in 1890 she joined the select number of women eligible to practice before the national Supreme Court.

III

Neither Mrs. Mussey nor Miss Gillett actually planned to establish a women's law college. That they did in fact found the Washington College of Law was more the result of a series of circumstances than it was of any carefully mapped design. Pushed by events into becoming a lawyer, Ellen Spencer Mussey also found herself carried somewhat reluctantly into the role of educator. In 1895, as she undertook to build a stable legal practice, she was approached by Delia Sheldon Jackson, daughter of the famed missionary to the Alaskan Indians. Miss Jackson's query was a direct one: Would Mrs. Mussey be willing to allow her to read law and train for the bar in her office? Considering herself ill-equipped to assume the additional responsibilities of a law student, Mrs. Mussey refused the initial request. Thereupon, General John Eaton, former U.S. Commissioner of Education, lent his persuasive talents in Miss Jackson's behalf, so that Mrs. Mussey was moved to reconsider. After much urging, she conceded that if two other interested women could be found, she would, with the assistance of her sister attorney, Emma Gillett, establish a program of legal study for them. That decision being made, events rapidly took their course. Mrs. Nanette P.

²⁰ The following material on Miss Gillett is based mainly on a clipping in the Archival Scrapbook, 1896-1913 (VI), p. 15, and *National Cyclopaedia of American Biography* (New York, 1927), XVII, p. 280.

²¹ Archival Scrapbook, 1896-1913 (VI), p. 15.



Justice Joseph Bradley. *Library of Congress.*

Paul and Miss Helen Malcolm came forward evincing the requisite interest; the Women's Law Class was formally constituted on February 1, 1896; and by the end of the first year, several more women had joined the class and were studying under the direction of the two lawyers.²²

Prominent Washington attorneys, intrigued by this educational innovation, were induced to supplement Mrs. Mussey's lectures on constitutional law and those of Miss Gillett on Blackstone's Commentaries. Joining the two founders in forming a faculty were Watson J. Newton, Emma Gillett's law partner for over a decade; Seth Shepard, an Associate Justice of the D.C. Court of Appeals; and William C. Robinson, dean of the law department at Catholic University. Though confined to part-time evening sessions in Mrs. Mussey's office, the law class thus began to assume the dimensions of a regular law school.

Teaching continued apace until 1898 when six members of the class were ready for their senior year of legal study. With neither of the founders wishing to establish a degree-granting institution, they asked the president of Columbian College to admit

²² John Clagett Proctor, *Washington Past and Present: A History* (5 vols.; New York, 1930), 1, p. 268.

the women for their final year's work. He in turn referred the issue to the school's board of trustees. The decision of that body was the same as it had been six years earlier in Mrs. Mussey's own case: no women, regardless of their qualifications, would be enrolled. Realizing that none of the exclusively white law schools in Washington would accept their students and yet determined that they should have the opportunity to gain a law degree, Ellen Spencer Mussey and Emma Gillett came to the unwilling decision to found a law college themselves. Accordingly, the Washington College of Law was incorporated on April 9, 1898, as a three-year, degree-granting law school. Born of sexual discrimination, the school would not itself participate in it by restricting student body membership solely to women. From the beginning, the college was open equally to members of both sexes.

That the college evoked widespread interest is evidenced not only by the number of lawyers who willingly lectured without pay, but also by the membership of the school's first board of trustees. President of the board was no less a luminary than Edward F. Bingham, then Chief Justice of the D.C. Supreme Court. Besides Mrs. Mussey and Miss Gillett, the other trustees were Mrs. Cecilia F. Sherman, wife of the Secretary of the Treasury; Justice Charles B. Howry of the U.S. Court of Claims; Mrs. J. Ellen Foster, pioneer woman political speaker and attorney; and Watson J. Newton, prominent D.C. lawyer.

The Washington legal community might well be impressed by the college, for it had not only its unique character to recommend it, but in addition was committed to upholding high standards of academic performance. From the beginning, the Washington College of Law provided a three-year program, even though several schools were still granting law degrees after two years of study. Moreover, as the college developed, admission requirements kept pace with those of the major American law schools. To qualify for enrollment in 1898 the applicant need only have been of good moral character and able to pass an English exam satisfactorily.²³ By 1913, however, the equivalent of a four-year high school course was also necessary,²⁴ despite the fact that the District of Columbia's rules for bar admission stipulated no requirement of preliminary education at that time.²⁵

The incorporation of the Washington College of Law marked a series of firsts. It was the first law school in the world to be established primarily for women; the first also to give women a place on its faculty. Then too, Mrs. Mussey had the distinction of being the first female law dean in America.²⁶

Though its novelty drew the attention of well-wishers, the college was not without its problems. Financial difficulties plagued its early years. As an unendowed institution, the school had to rely mainly on tuition to cover expenses, and tuition payments brought in precious little. This was particularly true because tuition had been purposely set at a low level, so that women, who notoriously received lower

²³ Schade, "Washington College of Law," p. 15.

²⁴ "Announcements, 1912-1913," W.C.L. Bulletin, p. 7.

²⁵ Doerschuk, *Women in the Law*, p. 107.

²⁶ Proctor, *Washington Past and Present*, I, p. 269.



Belva A. Lockwood. *Library of Congress.*

wages than men, could afford to attend. One example of the prevailing wage discriminations can be seen in the salaries paid to teachers in the Washington public schools at the turn of the century. The average wage for the 155 male teachers was reportedly \$94.48 per month; for the 1004 female teachers, it was \$64.31.²⁷ Thus the women who entered the Washington College of Law, by and large women who were job-holders during the day, could afford little more than the \$50 per year fee. To help alleviate the school's financial strain, then, Mrs. Mussey gave over the use of her private office, her library, and her stenographer. In addition, some lecturers continued to teach without monetary compensation.

As the number of students increased, the college was forced to find more spacious accommodations than Mrs. Mussey's office afforded. New quarters, however, were costly. Therefore, preparatory to the purchase in 1920 of the former residence of Robert Ingersoll at 1315 K Street, NW, Miss Gillett, then dean of the college, began a

²⁷ Susan B. Anthony and Ida Husted Harper, eds., *History of Woman Suffrage*, Vol. IV, 1883-1900 (New York, 1969), p. 575.



Seth Shepard. *Library of Congress.*

building fund. Still the money acquired was insufficient, and some trustees advocated closing the school and turning over any remaining funds to George Washington University. To this suggestion Mrs. Mussey reacted with understandable anger. After all, it would have been ironic indeed to transfer funds to the very institution that had denied admission both to her and to her students. She reacted also with a determination to put the college on a reasonably stable financial basis. To that end, she launched a campaign for private contributions and succeeded in raising a sizeable endowment fund.²⁸

When first established, the Washington College of Law granted only the bachelor of laws degree. Two years later, though, a course of study leading to an LL.M. was added to the curriculum. This program necessitated at least one year of intensive training beyond the bachelor's level. In 1912, certificates were conferred upon ten students who were the first to complete the new course offering in patent law. Finally came the addition of a program for a doctor of laws degree, a program that had its first graduates in 1927.²⁹

²⁸ Hathaway, *Fate Rides a Tortoise*, p. 185.

²⁹ Schade, "Washington College of Law," p. 60.

Other changes came with the years. In 1913, Mrs. Mussey, owing to ill health, stepped down as dean, but retained her title as Honorary Dean. She was succeeded by Emma Gillett, who served for ten years before resigning in order to open new law offices. The college was then served by a series of women who had themselves graduated from the school. Elizabeth C. Harris, a 1917 graduate, was dean from 1923 to 1924. She was followed by Mrs. Laura H. Halsey, a member of the Class of 1921, who served for a few months in 1925. Late that same year, Mrs. Grace Hays Riley, a 1908 graduate, began what turned out to be an eighteen-year stint as dean of the college. Her successor, Helen B. Arthur, a W.C.L. faculty member, was appointed in 1943 and remained at that post until 1947.

During Mrs. Riley's service as dean, the school underwent several important alterations. In the first place, a new day division was inaugurated in October, 1929. Secondly, admission requirements were raised so that beginning in 1939 enrollment was contingent upon the completion of at least half the work required for a bachelor's degree in a recognized college. This being the standard established by the American Bar Association, the Washington College of Law gained the approval of that organization in 1940.

Dean Riley's tenure also saw the continuation of an important trend. Although begun primarily for women, the college had been co-educational from its founding, and male students were quick to enter. In 1907, the number of men graduating already equalled the number of women receiving degrees. Two years later, there were ten male and only six female graduates. For the next few years the number of women graduating again exceeded that of men, but after 1914 male students consistently comprised over half the student body membership. In 1941 this movement reached a high point: of the 164 graduates that year, only 39 were women.³⁰

The year 1947 brought two new developments to the school. First of all, the Washington College of Law was admitted to membership in the Association of American Law Schools, the last of the D.C. schools so honored.³¹ Secondly, Horatio Rodman Rogers became the first male dean of the college. Under his direction, plans for consolidation with The American University, plans that had been proceeding since 1942, were consummated. Thus, in 1949, the college merged with The American University and became its first professional school. It exists today as the Washington College of Law of The American University.

IV

The fact that the Washington College of Law continued to attract students in increasing numbers would suggest that it was a successful educational experiment. But a question remains: namely, how well did the early graduates of the college fare in terms of their acceptance in the legal profession and their ability to find jobs? Only the

³⁰ *Ibid.*

³¹ Catholic University had been admitted in 1921; Georgetown in 1902; George Washington, as Columbian College, in 1900 as a charter member; and Howard in 1931. *Association of American Law Schools Membership Directory*, 1968, reprinted in *ibid.*, p. 58.



THE FIRST GRADUATING CLASS—1899
AND THE FIRST FACULTY

First Graduating Class and First Faculty—1899.
Courtesy of Washington College of Law.

answer to this question can accurately reveal whether the school was indeed successful in combatting discrimination against women in the field of law. To found a college for prospective female attorneys is not an adequate response to such discrimination if the school's students, after obtaining degrees, still find themselves rejected by the legal community.

Arriving at an answer to the question, however, is as difficult as the question itself is crucial. Part of the problem derives from the fact that many women who graduate from law school never enter active legal practice. In fact, a study of *Women in the Law*, prepared in 1920, offers the rough estimate that not more than one-third to one-half of all women law graduates make vocational application of their training.³² Why that is the case remains a mystery, for it is virtually impossible to determine the proportion who do not practice because they never intended to, and the proportion who do not because job opportunities are closed to them.

Available information on the early Washington College of Law graduates is fragmentary at best. Thus, no breakdown on the numbers who entered the legal field can be presented. Still, a description of a few graduates and their subsequent careers may help to clarify the type of individuals who attended the school. Delia Sheldon

³² Doerschuk, *Women in the Law*, p. 26.

Jackson, the woman whose desire to study law first occasioned the founding of the Women's Law Class, was later admitted to practice before the D.C. Supreme Court and the Court of Appeals. She was also listed as the secretary of the Washington College of Law in 1918.³³ Another member of that first class was Mrs. Nanette B. Paul. Before returning to her alma mater as a lecturer on parliamentary law, she was admitted to the D.C. bar in 1900. While on the faculty she authored two textbooks, *Paul's Parliamentary Law* (1908) and *The Heart of Blackstone* (1915). Her outside interests included membership in the progressive education movement, the Women's International Peace Society, and the Susan B. Anthony Foundation.³⁴

A portrait of one early graduating class will perhaps suffice to indicate the variety of students at the college. In 1901, three previous graduates, having studied for an additional year, were granted the Master of Laws degree—the first of that kind awarded by the school. Five others, four women and one man, received the LL.B. that same year. Successfully completing the Master's program were Mrs. Emma Reba Bailey, a member of a distinguished Georgia family, who later worked in the Department of the Interior and was admitted to the D.C. bar; Miss Helen F. Hill, who was affiliated with the Treasury Department for over thirty years, serving as an income tax reviewer in the Bureau of Internal Revenue;³⁵ and Miss Caroline I. Griesheimer, who had been an Ohio public school teacher and then a deputy to an Ohio probate judge before coming to Washington. In September, 1891, she had become the first female legal examiner for the Civil Service Commission. After graduation, she too was admitted to the bar of the D.C. Supreme Court. While Miss Hill entered the college mainly to please her father, a consistent advocate of women's rights, Mrs. Bailey's entry was motivated by a desire for vocational training in the event that her husband's failing health might throw responsibility for family support on her shoulders.³⁶

The five 1901 recipients of the Bachelor of Laws degree included Mrs. Josephine C. A. Page, a former public school teacher and later supervisor of schools in Needham, Massachusetts. After serving in the latter capacity for eight years, she had come to Washington as a clerk in the Pension Bureau. For her, the Washington College of Law offered not a possibility for a new career, but rather an avenue for understanding American culture. Another of the graduates was Ruth W. Mason, daughter of Senator William E. Mason from Illinois. At the time of her graduation she was uncertain whether or not she would enter practice with her father and brother. Of the other two women in the class, little is known: one, Mrs. Catherine L. North, was apparently a successful businesswoman in Washington, and the other, Mrs.

³³ Where not otherwise indicated, information on the graduates was obtained from files at the college, principally the box entitled "1899-1933—Alumni Lists."

³⁴ Stanley H. Williamson, ed., *Who's Who in the Nation's Capital* (Washington, D.C., 1926), pp. 447-448.

³⁵ Laura Miller Derry, ed., *Digest of Women Lawyers and Judges* (n.p.: The Dunne Press, 1949), p. 167.

³⁶ Unless otherwise noted, material on the 1901 graduating class was taken from Emily Lee Sherwood, "Six Learned Portias," *Washington Post*, May 19, 1901, p. 16, and from clippings in Archival Scrapbook.

Margaret Lora Coope, remained at the college to specialize in corporate law and gain her Master's degree the following year.

The sole man in the class was Edwin C. Dutton of Maryland. Dutton came to the Washington College of Law by way of National University, whose law school he entered in the fall of 1897 and attended until he dropped out to join the army when war was declared against Spain. After graduation, he practiced law in Maryland and in the District of Columbia before the U.S. Supreme Court and various executive departments. The author of a textbook on contract law, he taught at the Washington College of Law and also became president of its board of trustees.

Two characteristics recur quite frequently in a description of the school's graduates. One is the high incidence of people returning to the college to obtain advanced degrees. The second is the large number who became connected with the college in some official capacity. Dutton served as a professor and as a trustee; Mrs. Paul as a lecturer; Mrs. Riley and Mrs. Halsey as deans; and Miss Jackson as secretary. Apparently, attendance at the college created bonds that continued after graduation.

In many instances, the graduates were "firsts" in the particular fields they entered. Several secured positions with the federal government. One was the first woman on the Board of Indian Commissioners; another became the first woman appointed National Bank Examiner; still another was the first female American Trade Commissioner. The Washington College of Law also provided training for the first



Emma M. Gillett. *Courtesy of Washington College of Law.*

female judges. Long after women were able to become lawyers, there had remained a reticence to appoint qualified women to the bench. Not until September, 1918, in fact, did Miss Kathryn Sellers break the male monopoly by her appointment as judge of a juvenile court in Washington. In 1921, a fellow alumna, Miss Mary O'Toole, became the first female judge on the municipal bench for the District of Columbia. Both women were reappointed to a second term.³⁷

V

To Mrs. Mussey goes much of the credit for whatever success the Washington College of Law enjoyed. Without her commitment to academic excellence and her determination to assure the school's fiscal integrity, it is doubtful whether the college could long have remained a viable institution. Moreover, Ellen Spencer Mussey was a woman of some renown, and the newspaper coverage accorded her certainly brought welcome publicity to the school. She was well-known as the champion of a law to improve the legal status of women in the District of Columbia. Indeed, this bill, passed in 1896, was commonly designated the Mussey Act.³⁸ It provided the married woman with a broad range of contractual and property rights, as well as equalizing between a father and a mother the right of guardianship over their minor children. No longer could a father exercise the archaic prerogative of willing his children away from their own mother. Nor, by the terms of the act, could a husband dispose of his wife's property or make it liable for the payment of his debts.

On more than one occasion, Mrs. Mussey made public her views on the rights of women and children. Besides her support of the 1896 law, she advocated an act to grant equal citizenship rights to men and women, so that a woman would not lose her nationality automatically upon marriage to a foreigner. Her efforts were rewarded in 1922 by the passage of the Cable Act,³⁹ a halting first step on the road to equal nationality claims. Then too, she joined various women's organizations in calling for female judges of juvenile courts throughout the country. Women, by combining "mother instinct" with intelligence would, she thought, be better equipped "to deal with little tots called "criminals" than men could ever be.⁴⁰ And as to the claims of mothers on society, she reportedly declared:

Mothers should be pensioned before soldiers, for their service is the greatest to the state. Every mother in straitened circumstances should have state provision during child-bearing, for the sake of future citizens as well as for her own welfare.⁴¹

Her concern for children found expression through her membership on the D.C.

³⁷ Hathaway, *Fate Rides a Tortoise*, pp. 187-189.

³⁸ An Act to Amend the Laws of the District of Columbia as to Married Women, to Make Parents the Natural Guardians of Their Minor Children, and for Other Purposes, 29 Stat. 193 (1896).

³⁹ An Act Relative to the Naturalization and Citizenship of Married Women, 42 Stat. 1021 (1922).

⁴⁰ Winnifred Harper Cooley, "The Woman at the Bar," *Philadelphia North American*, March 24, 1912, n.p.

⁴¹ *Ibid.*

Board of Education. Appointed in 1906, she was instrumental in inducing Congress to allocate funds for kindergartens in the city. In addition, she helped secure appropriations for special schools to teach mentally and physically handicapped children. She also spearheaded the drive for a compulsory education law in Washington.

Along with her husband a charter member of the National Red Cross, Mrs. Mussey was a close personal friend of Clara Barton, the organization's founder. As its attorney since the 1890's, Mrs. Mussey gave the Red Cross valuable legal assistance. Beyond that, she served during the Spanish-American War as acting chairman of the D.C. Red Cross Committee. In that capacity, she brought about a number of reforms,



Washington College of Law at 1315 K Street, N.W.
Courtesy of the Washington College of Law.

the most notable being the establishment at Fort Myer of diet kitchens to prepare specially prescribed food for ailing soldiers.

In 1902, she was connected with another widely publicized activity. A huge national encampment of the Grand Army of the Republic took place that year in the nation's capital, and Mrs. Mussey was one of the principal organizers. Her responsibility was to provide entertainment for the many women's auxiliary groups.

Intimate association with the Washington College of Law and with these other civic affairs did not prevent Mrs. Mussey from conducting a substantial law practice. In fact, she remained an active attorney until the age of eighty. Her legal work related chiefly to matters involving real estate and certain facets of international law. Several of her cases even reached the U.S. Supreme Court and were adjudged in her favor. One testament to her capabilities is the fact that for fully twenty-five years the legations of Sweden and Norway retained her as their legal counsel.

Mrs. Mussey's growing prominence as a lawyer and as an educator made her the choice of many women's groups for the position of judge on Washington's juvenile court in 1912. Her candidacy was also championed by several area newspapers, including the *Washington Herald* and the *Washington Times*.⁴² President Taft and the general public, however, were unfavorable to such an idea, and Mrs. Mussey was not appointed. Though unsuccessful, her campaign was not without value, for it undoubtedly helped accustom the public to the notion of women judges. Thus, Mrs. Mussey's 1912 candidacy eased the way for Kathryn Seller's appointment in 1918.

Mrs. Mussey was suggested not only for the juvenile court judgeship, but also for appointment to the U.S. Supreme Court to fill the vacancy left by the death of Justice John Harlan in 1911.⁴³ But if President Taft was opposed to appointing her to the juvenile court, he was doubly opposed to recommending her for a place on the nation's highest tribunal. Interestingly enough, the other women suggested for the Supreme Court position were also lawyers in Washington and associates of Mrs. Mussey. They were Emma Gillett and Belva A. Lockwood. Needless to say, all three were overlooked in favor of a more acceptable, male candidate.

Though an ardent proponent of women's rights, Mrs. Mussey was a late-comer to the woman suffrage movement. Acquainted with such prominent suffragists as Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton as early as the 1870's,⁴⁴ she did not ally herself with their cause until 1909 when she joined the National American Woman Suffrage Association. Once committed to the cause, however, she worked zealously in its behalf, appearing before a Senate committee in 1910 to plead for the ballot and heading a contingent of women lawyers in the massive suffragette rally held in Washington on the eve of Woodrow Wilson's inauguration. It was her involvement in the latter activity that resulted in the ill-health which forced her resignation as dean of the Washington College of Law.

⁴² Clippings in Archival Scrapbook.

⁴³ *Ibid.* See especially: *Baltimore American*, Feb. 12, 1912, n.p.

⁴⁴ Hathaway, *Fate Rides a Tortoise*, pp. 41-42.

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Her participation in the suffrage parade and rally had an additional effect. Four years after the event, the women members of the D.C. bar assembled at a meeting held in honor of the four men who had marched with the women in the parade. At the gathering, women lawyers expressed a desire to form a permanent organization, since the regular Bar Association of D.C. did not admit women. On November 19, 1917, then, the D.C. Women's Bar Association was incorporated with Mrs. Mussey as president. She kept that title for two years, after which she was elected honorary president for life. Among the charter members of the association were several other women connected with the Washington College of Law, including Emma Gillett, who served as president in 1921-22. Under Mrs. Mussey's leadership, the organization became yet another vehicle channeling support for legislative measures to uphold the rights of women and children.⁴⁵

The exclusion of female attorneys from the bar association in Washington was not a

⁴⁵ Clarice F. Hens, *The First Fifty Years, 1917-1967: A Brief History of the Women's Bar Association of the District of Columbia* (Washington, D.C., 1967), p. 2 and *passim*.

unique case. They were also excluded on a national basis from the American Bar Association. Founded in 1878, the A.B.A. did not admit its first women members until 1918.⁴⁶ Reacting to their inadmissibility, a number of female lawyers, primarily based in New York, formed the National Association of Women Lawyers in 1899. To this group Mrs. Mussey adhered in 1912. After her membership, she contributed several articles to the Association's organ, the *Woman Lawyers' Journal*, which was first published in May, 1911. Throughout its early issues, *the Journal* carried on the Progressive tradition by lobbying for various reform measures, among them federal enactment of a woman suffrage amendment, the teaching of sexual hygiene in the schools, improved educational facilities, and laws to prohibit effectively the white slave trade.

Of course Mrs. Mussey shared in the Journal's objectives. After all, the major portion of her life was spent in the same crusade to better the conditions of women and children. It was a crusade which focused around the Washington College of Law and which continued until her death in 1936. Perhaps the *Women Lawyers' Journal* was guilty of overstatement when it wrote that Mrs. Mussey "... has been largely instrumental in securing for women lawyers the recognition they enjoy today."⁴⁷ Still, the contribution of Ellen Spencer Mussey to the development of equal opportunities in the legal profession cannot be denied.

⁴⁶ Corinne Lathrop Gilb, *Hidden Hierarchies: The Professions and Government* (New York, 1966), p. 48.

⁴⁷ *Women Lawyers' Journal*, II (August, 1912), p. 44.

Benefit of Clergy in Colonial Maryland

PETER G. YACKEL

THE SUPERIOR JUDICIARY in provincial Maryland governed its criminal proceedings according to the common law rules of procedure. The minutes of its proceedings reveal a formality that provides evidence that the court incorporated these rules into its criminal procedures and that they provided the foundation for its proceedings. The inclusion of these rules in Maryland law was the product of a continuous process of selective adaptation of the common law criminal procedures appropriate to the unique, indigenous circumstances of the province and the incorporation of them by the superior judiciary into its criminal proceedings.

The inclusion of benefit of clergy among the procedures by which the superior judiciary conducted its criminal business is evidence of the influence of the common law on the development of criminal procedure in provincial Maryland. Benefit of clergy was a privilege which, by the seventeenth century, had evolved into a criminal procedure in the common law that qualified convicts of specified felonies at common law could employ to avoid execution of sentence of death. At both English and Maryland law, a convicted lay felon was entitled to a single grant of benefit of clergy. A second conviction of a clergyable felony resulted in the execution of the sentence according to the law.

The presence of benefit of clergy in the criminal procedures of the provincial judiciary documents the influence of the common law rules on the development of provincial criminal procedure. The court's allowance of a plea of benefit of clergy, as well as its reluctance to order execution of sentence according to the law, demonstrates its tendency to mitigate the applied consequence of the criminal law. The criminal law of the colonies during the seventeenth century was unquestionably severe. An examination of the statutes and legal compilations and codes makes this fact abundantly clear.¹ In the colonial criminal law, felonies were usually capital crimes. In Maryland, the criminal law defined nearly two dozen offenses, some

¹ See the collections of statutes of the individual colonies and the legal compilations and codes such as the "Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginea," in Peter Force, comp., *Tracts and Other Papers*, 4 vols., (Washington, William Q. Force, printer) 1836-46, III, no. 2, pp. 9-13, 15-18; Max Farrand, ed., *The Laws and Liberties of Massachusetts, reprinted from the copy of the 1648 edition in the Henry E. Huntington Library*, (Cambridge, Mass., 1929); "The Duke of York's Laws," in *The Colonial Laws of New York . . .* (5 vols.; Albany, N. Y., 1894), I, pp. 6-71.

relatively minor, as felonies.² A reading of these laws reveals the existence of substantial inequities between crime and punishment. The tendency of the Provincial Court to alleviate the force of the law indicates that it recognized the existence of these inequities and their need for remedy.

Privilege or benefit of clergy evolved in English law during the twelfth century consequent to the contest between Henry II and Thomas Becket, Archbishop of Canterbury, for jurisdiction over criminally accused ordained persons and to the subsequent murder of Becket.³ As a result of that murder, the Crown abandoned its previously asserted claim to the right to punish degraded clerks. Consequently, benefit of clergy developed during the remainder of the medieval period into a procedure by which an ordained clerk, accused of a felony, could claim exemption from prosecution at common law. Historically, benefit of clergy evolved into a complex procedural device in the common law by which certain convicts of specific felonies could be exempted from sentence of capital punishment.

Benefit of clergy retained its ecclesiastical character throughout the remainder of the medieval period. Late in the period, however, it began to be secularized. By the end of the fifteenth and during the sixteenth centuries, its transformation into a procedure in the common law was proceeding at an accelerated rate that culminated in the early years of the eighteenth century.

By the end of the reign of Edward III (1250–1272) a plea of benefit of clergy subsequent rather than prior to royal inquest was settled procedure. In 1350, the statute *pro clero* extended benefit of clergy to clerks without orders. In the fifteenth century the privilege was extended further until, by the end of the century, all literate males could plead benefit of clergy in an appropriate situation.

In the fifteenth century the royal courts increased their control over the rules of admission to benefit of clergy; by so doing, they facilitated the transformation of benefit of clergy into a common law procedure. The extension of the literacy requirement for a plea of benefit of clergy to laymen and the concomitant change in the role of the ordinary from judge to minister or court assistant influenced this increase in control. The change in the procedure of pleading benefit of clergy that occurred at this time, however, was the most significant factor in the increase in royal authority. Originally, an ordained clerk accused of a felony at common law pleaded benefit of clergy to the indictment; whereupon, he was given over to the custody of his ordinary to stand trial. By the reign of Henry VI (1422–1461) this practice had been superceded and it was settled procedure that a clerk accused of a felony at common law would enter a plea to the general issue upon arraignment and stand trial in a temporal court. If he were convicted, he would then plead benefit of clergy to arrest the judgment and be delivered to this ordinary for degradation from orders. In this way a clerk convicted of a felony at common law could avoid execution of sentence.

² The laws of colonial Maryland are collected in divers volumes of William Hand Browne, *et. al.*, eds. *The Archives of Maryland* (72 vols.; Baltimore, 1883–). Early definitions of felonies and subsequently passed statutes pertinent to this study are in vols. I, XXIV, XL, XLII, LII, LXIII and LXIV, *passim*.

³ William S. Holdsworth, *A History of English Law* (7th ed., rev. 16 vols.; London, 1956), III, pp. 294–302 contains a lucid discussion of the development of benefit of clergy in the common law.

The changed relationship between the church and state that developed in the sixteenth and seventeenth centuries produced extensive statutory reform in the evolution of benefit of clergy into a procedure of the common law. The statutes passed during these years declared and defined the place of benefit of clergy in common law criminal proceedings until, by the end of the first quarter of the eighteenth century, its status was well established. The course of this reform was long and complex. It demonstrated clearly the defective nature of the law and the need for substantive and procedural reform. It reflected the inadequacy of an attempt to remedy one procedure of a substantially inequitable system.

Statutory reform of the rules of admission to benefit of clergy in common law criminal proceedings began during the reign of Henry VII (1485–1509) and continued into the reign of George I (1714–1727). These reforms produced a definition of the rules that governed the admissibility of a plea of benefit of clergy. The statutes passed during this period regulated the claimants of benefit of clergy, declared the crimes that were ousted from benefit of clergy, prescribed the conditions of ouster, and published the conditions concomitant to a grant of benefit of clergy. Not infrequently, one statute defined more than one of these conditions.

A statute passed in 1489 initiated this definitive process by discriminating between clerical and lay petitioners for benefit of clergy.⁴ It ordered that a layman be entitled to only one plea of benefit of clergy. The right to such a plea was extended in the seventeenth century when its effect was granted to women⁵ and in the eighteenth century when the abolition of the literacy prerequisite enabled illiterates to plead their clergy to arrest an adverse judgment.⁶

Diverse statutes passed in the sixteenth and seventeenth centuries prescribed the conditions of ouster; others prescribed the conditions concomitant to a grant of benefit of clergy. The conditions of ouster depended on whether the convict was a principal or an accessory⁷ and his mode of conviction.⁸ The first statutory prescription that conditioned a grant of benefit of clergy was the statute of 1489 which limited lay convicts to one plea of benefit of clergy. As proof that a layman had received his clergy, the law ordered that he be branded on the thumb in open court.⁹ Eighty-seven years later an Elizabethan statute authorized royal judges to imprison, for a period of not longer than one year, a lay convict who had received his clergy.¹⁰ Finally, in the first quarter of the eighteenth century, statutes were passed which provided that convicts of clergyable larcenies were to be transported to America rather than branded.¹¹

The statute *pro clero* had declared all treasons and felonies touching persons other

⁴ 4 Henry VII. c. 13.

⁵ 4 William and Mary c. 9.

⁶ 5 Anne c. 6.

⁷ 4–5 Philip and Mary c. 4.

⁸ 23 Henry VIII. c. 1; 25 Henry VIII. c. 3.

⁹ 4 Henry VII. c. 13.

¹⁰ 18 Elizabeth c. 7.

¹¹ 4 George I. c. 11; 6 George I. c. 23.



Honorable Mr. Justice Blackstone. *Library of Congress.*

than the king or his royal majesty to be clergyable.¹² A succession of statutes passed in the sixteenth and seventeenth centuries reformed this situation by ousting a wide range of capital crimes from benefit of clergy. The first of these, passed in 1496, ousted petit treason from benefit of clergy.¹³ That statute was succeeded by others that ousted

¹² 25 Edward III. st. 3. c. 4. At common law two felonies, highway robbery and wilfull burning of dwelling houses, were ousted from benefit of clergy. James F. Stephen, *A History of the Criminal Law of England* (3 vols.; London), I, p. 465.

¹³ 12 Henry VII. c. 7.

murder,¹⁴ manslaughter,¹⁵ robbery,¹⁶ larceny,¹⁷ burglary,¹⁸ rape,¹⁹ and numerous other felonies from benefit of clergy. The list of non-clergyable crimes continued to increase during the seventeenth and eighteenth centuries until, by the middle of the eighteenth century, Blackstone could report that 160 felonies had been ousted statutorily from benefit of clergy.²⁰

Benefit of clergy appeared early in the history of provincial Maryland in both its judicial and legislative proceedings. Its presence indicates that the early Marylanders were quite familiar with and were sophisticated in their application of common law criminal procedures. It also reveals the early influence of English rules of procedure in provincial cases in which benefit of clergy was pleaded. The records of the criminal proceedings of the superior provincial judiciary reveal that the court governed its admission of a plea of benefit of clergy according to the common law rules of admission. They reveal that, generally, felony convicts employed benefit of clergy according to its common law definition; they entered a plea to avoid sentence of capital punishment. The minutes record, however, one extraordinary instance in which the provincial Court of Appeals ultimately determined that the rule of the statute *pro clero* of 1350 which extended benefit of clergy to clerks without orders was a valid procedure in the proceedings of the Provincial Court. It allowed a plea of benefit of clergy on the grounds that the defendant was a clerk; consequently, his plea arrested the judgment against him, and he was exempt from the rule of forfeiture that stood in felony convictions and was entitled to have his previous legal personality restored to him.

The first record of a plea of benefit of clergy in Maryland appeared in the judicial proceedings of the province prior to the establishment of the Provincial Court. On 14 March 1637, Thomas Smith pleaded benefit of clergy to avoid sentence of death on a conviction of piracy.²¹ On that day, Smith, a confederate of William Claiborne, was brought before the provincial General Assembly where he was indicted for murder, sedition, and piracy. The indictment derived from Smith's part in the hostilities between the Claiborne and proprietary forces over the control of Kent Island in 1635.²² Smith stood trial before the assembly; the governor and councillors sat as

¹⁴ 4 Henry VIII. c. 1; 23 Henry VIII. c. 1; 1 Edward VI. c. 12.

¹⁵ 1 James I. c. 8. This statute ousted from benefit of clergy manslaughter that resulted from stabbing without malice aforethought.

¹⁶ 23 Henry VIII. c. 1; 1 Edward VI. c. 12; 8 Elizabeth I. c. 4; 39 Elizabeth I. c. 15.

¹⁷ Mathew Hale, *Historia Placitorum Coronae, The History of the Pleas of the Crown* (2 vols.; London, 1778), I, pp. 505, 519.

¹⁸ 1 Edward VI. c. 12; 18 Elizabeth c. 7.

¹⁹ 18 Elizabeth c. 7.

²⁰ William Blackstone, *Commentaries on the Laws of England* (2nd ed., 4 vols.), IV, p. 18, as cited in Stephen, *History of Criminal Law*, I, p. 470.

²¹ *Archives of Maryland*, I, pp. 16–17; IV, pp. 22–23.

²² The standard accounts of the contest for jurisdiction over Kent Island are Charles M. Andrews, *The Colonial Period in American History*, (4 vols.; New Haven, Conn., 1934–38), II, pp. 302–307, and Mathew Page Andrews, *The Founding of Maryland* (New York, 1933), pp. 94–122.

judges, the deputies as jury. The jury convicted him of piracy; whereupon the court pronounced judgment and passed sentence of death by hanging and forfeiture of his lands, goods, and chattels to the lord proprietary. Smith pleaded benefit of his clergy. Deputy Governor Leonard Calvert, president of the General Assembly, denied his plea on the grounds that piracy was not a felony at common law; hence it was not a clergyable offense. Calvert's denial of plea was based on the English rule that excluded piracy from the classification of clergyable crimes.²³

The initial reference to benefit of clergy in the legislative proceedings of the General Assembly occurred at its first authorized session in the winter of 1638/39. At that time, the assembly passed "An Act allowing booke for certain Felonies."²⁴ The act, together with most of the other acts passed at that session, failed to receive the assent of the lord proprietary and was never enacted into law.²⁵ Consequently, it did not provide a basis for the development of the rules of admission to benefit of clergy in colonial Maryland. The act is instructive, however, of the vitality of the contemporary belief that benefit of clergy was by right available to an individual in felony proceedings against him.

The act of assembly, together with subsequent judicial proceedings, indicates the currency of the common law rule that all felonies were clergyable unless ousted specifically by statute. The act classified a limited number of crimes as clergyable. In each case, the crime was not clergyable at common law either because it was not a felony at common law, it had been ousted statutorily from benefit of clergy at English law, or because its status in English law was indeterminate.²⁶

In its prescription of the rules that were to govern the determination of the admissibility of a plea of benefit of clergy, the act followed the statute of 4 Henry VII. c. 13 which prescribed the conditions for admission to benefit of clergy in English law. Like that statute, it allowed a convicted lay felon only one plea of benefit of clergy. Similarly, it ordered that a convicted second offender who had received his clergy previously should suffer the lawful sentence of death and forfeiture of his lands, goods, and chattels.

Consequent to the Lord Baltimore's refusal to assent to "An Act allowing booke

²³ 28 Henry VIII. c. 15.

²⁴ *Archives of Maryland*, 1, pp. 72-73. It classified as clergyable offenses manslaughter, malicious trespass with intent to arson, cutting out another's tongue, forgery, contempt with assault of the Lieutenant-General and being an accessory to a felony *ex post facto*.

²⁵ *Ibid.*, XLIX, ix.

²⁶ Blackstone, *Commentaries* (1st ed., Oxford, 1765-69), IV, p. 193. Manslaughter was clergyable at common law. The statute of 1 James I. c. 8. had ousted it from benefit of clergy in one specific instance. See *supra*, n. 15. Malicious trespass to commit arson was not a felony at common law. Arson was ousted from benefit of clergy at common law. See *supra*, n. 12. Malicious trespass was not a felony at common law. Cutting out another's tongue was not a common law felony. The statute of 5 Henry IV. c. 5. had made it a felony without benefit of clergy if done with malice prepense. Forgery was not a felony at common law, neither were contempts or assault. Being an accessory to a felony *ex post facto* was punishable according to the ancient common law rule that such persons were liable to the same punishment as were the principals. Subsequently, ancient statutes had admitted such accessories to their clergy in a number of instances. The statute of 4-5 Philip and Mary c. 4. had ousted accessories to a felony *ex post facto* from benefit of clergy. See *ibid.*, p. 39.

for certain Felonies," the judiciary assumed responsibility for the incorporation of the rules governing admission to benefit of clergy into the provincial law during the remainder of the seventeenth century. Subsequent to the creation of the Provincial Court in 1637, benefit of clergy was pleaded infrequently to arrest the judgment and avoid sentence of capital punishment on a conviction for a felony. The minutes of the court proceedings during the proprietary period record seven different cases in which convicted felons pleaded benefit of clergy. Six of these pleas were entered during the decade following the restoration of the proprietary government in the province in 1660. All seven of the pleas were entered upon convictions for common law crimes of homicide or against personal property.²⁷ In each case, the English rules of admission to benefit of clergy governed the proceedings of the Provincial Court.

The consequence of a plea of benefit of clergy in each case demonstrates the tendency of the proprietary government to mitigate the force of the law in the disposition of felony proceedings. This propensity indicates that both the judicial and executive officers of the province were cognizant of the inequities that existed between crime and punishment in the administration of provincial justice and acknowledged, at least tacitly, the need for legal reform. This understanding and acknowledgment was manifested by the fact that none of the felons convicted in the Provincial Court who pleaded benefit of clergy suffered execution of sentence. The court was disposed to grant a plea of benefit of clergy whenever possible. In those cases where the court felt itself bound by settled rules of procedure to deny this plea and pronounce judgment and pass sentence, the governor ultimately either respited sentence or pardoned the convict.

The initial judicial provision for the allowance of benefit of clergy in the criminal proceedings of the Provincial Court occurred in 1663 when the court ordered the sheriff of each county to provide his jurisdiction with branding irons marked "M" and "T" with which to brand a convicted felon when he had received his clergy.²⁸ The order revealed that the Provincial Court intended to follow the English rules for admission to benefit of clergy which the statute of 4 Henry VII. c. 13 had declared. The order provides evidence that the court would allow a convicted lay felon only one plea of benefit of clergy and that the court would order a convict whom it had admitted to his clergy to be branded in open court.

The first of the seven pleas of benefit of clergy to be entered into the proceedings of the Provincial Court to avoid sentence on a conviction for a felony at common law was made by the convict in *Lord Proprietary v. Due* in March 1664 in a case of homicide.²⁹ The court's determination of plea in this and the six subsequent cases

²⁷ *Archives of Maryland*, murder: LXIX, pp. 10-17, *Lord Proprietary v. Patrick Due*, March 1663; XLIX, pp. 165-168, *Lord Proprietary v. Pope Alvey*, March 1663/64; LVII, pp. 99, 110-111, 114, 117, *Lord Proprietary v. Thomas Morrice*, January 1665/66; LVII, pp. 59-65, *Lord Proprietary v. Francis Carpenter*, April 1666; property offenses: XLIX, pp. 538-546, *Lord Proprietary v. Alvey*, theft, January 1665/66; XLIX, pp. 230-235, *Lord Proprietary v. Arthur Nottool*, burglary and theft, July 1664; LI, pp. 214-215, *Lord Proprietary v. John Oliver*, larceny, February 1667.

²⁸ *Ibid.*, XLIX, pp. 16-17.

²⁹ *Ibid.*, pp. 10-17.



Charles Calvert, 3rd Lord Baltimore. By Sir Godfrey Kneller.
Courtesy of Enoch Pratt Free Library.

clearly documents its use of common law rules of criminal prosecution generally--benefit of clergy, particularly. The final disposition of each case, either judicially or executively, demonstrates the official propensity to mitigate the intended effect of the law.

In all seven of the cases, the court enforced the common law requirement that a candidate for benefit of clergy must be literate. In the cases in which the convicts proved their literacy, the court granted them their pleas; it then applied the rules of the statute of 4 Henry VII. c. 13 that a convicted lay felon was entitled to only one admission to his clergy and that he be branded on the thumb as proof of admission.³⁰ In the only case in which the convict failed to prove himself literate, the court pronounced sentence of death as prescribed by law. Subsequently, however, Lieutenant-Governor Thomas Notley pardoned the convict.³¹ A second instance of mitigation involved a convicted felon who pleaded benefit of clergy a second time. True to the

³⁰ *Ibid.*, *Lord Proprietary v. Due*; pp. 165-168, *Lord Proprietary v. Alvey*, 1663/64; LVII, pp. 110-111, 114, 117, *Lord Proprietary v. Morrice*; pp. 59-65, *Lord Proprietary v. Carpenter*; XLIX, pp. 230-235, *Lord Proprietary v. Nottool*.

³¹ *Ibid.*, LI, pp. 214-215, *Lord Proprietary v. Oliver*.

Henrician rule, the court denied the plea and pronounced sentence of death. Eventually, Governor Charles Calvert received a petition for his pardon, respited sentence against him and bound him on recognizance for good behavior for life.³²

The common law remained the source of the criminal procedures that the Provincial Court employed in the conduct of its criminal proceedings during the royal period. The record of *Macnemara v. Her Majesty*³³ on appeal to the Provincial Court of Appeals in April 1713 clearly documents this. It demonstrates that both the Provincial Court and the Court of Appeals proceeded on a plea for admission to benefit of clergy according to the common law rules.

The proceedings on appeal were a review of the Provincial Court judgment in *Her Majesty v. Macnemara and Mitchell*. On 11 July 1710, William Bladen, attorney general for the Crown, preferred an indictment against Macnemara, a lawyer, and Mitchell, charging the former with murder and the latter with having been an accomplice to the crime. The grand jury returned the indictment endorsed *billa vera*. The defendants were arraigned, pleaded not guilty, and craved a jury trial. They stood trial; consequently, the petit jury returned a verdict of not guilty on the indictment, but guilty of homicide by chance medley. Brought to bar to receive judgment, the convicts prayed time to produce their pardons. The court granted their prayers and ordered them to post bond and sureties for their appearance at the next session of the Provincial Court or the Court of Assizes for Ann Arundel County, whichever convened first.

On 10 October 1710, the convicts appeared in the Provincial Court for judgment and sentencing. Macnemara was set at bar; whereupon the court commanded him to justify himself. It demanded of the convict "if any thing for himself he hath or knoweth to say why the Court here to Judgment and Execution of him upon the Verdict aforesd ought not to proceed." In response, Macnemara pleaded benefit of clergy on the grounds that he was "... A Clerk and prays the benefit of his clergy in this behalf to be allowed to him. ..." The court ordered him to prove that he was a clerk. In his behalf, Macnemara introduced a witness; the record states that "... thereupon comes into this Court M^r Evan Jones ... by the Court here Especially on this occasion appointed ordinary." After having admitted Mr. Jones, the court proceeded to determine the admissibility of the candidate's plea according to the settled rules of procedure for a layman. It ordered the convict to prove his literacy. A book was brought into the court and Macnemara "read like a clerk." Consequently, the court ordered Macnemara to "... be burnt on the left hand with the letter M according to the form of the statute in such case made and provided. ..." The gaoler executed the condition as commanded and the court discharged Macnemara by proclamation.³⁴

Macnemara's plea to arrest the judgment and the Provincial Court's subsequent

³² *Ibid.*, XLIX, pp. 538-546; LII, pp 123-128, *Lord Proprietary v. Alvey*, 1665/66.

³³ Carroll T. Bond and Richard B. Morris, eds., *Proceedings of the Maryland Court of Appeals, 1695-1729*, (Washington, D.C., 1933), pp. 156-164, *Dom Regina v. Thomas Macnemara and Thomas Mitchell*.

³⁴ *Ibid.*, p. 162. The Provincial Court permitted Mitchell to sue for a pardon.

proceeding provide a significant commentary on the status of the rules of admission to benefit of clergy in provincial criminal procedure at the beginning of the eighteenth century. The convicts of record in the seventeenth century pleaded benefit of clergy on the common law rule that all literate laymen were entitled to a plea of benefit of clergy in appropriate situations. The court granted their pleas according to that rule and to the rule that limited a convicted lay felon to one admission to benefit of clergy and required the granting court to order the recipient to be branded on the thumb. Macnemara's claim that he was entitled to benefit of clergy indicates that he based his claim on the rule of the statute *pro clero* that secular clerks could plead benefit of clergy and be delivered to their ordinaries without suffering sentence at common law.³⁵ Clearly, Macnemara was attempting to arrest the judgment against him and avoid sentence without being branded or required to forfeit his estate.

The reaction of the Provincial Court to Macnemara's plea reveals that it interpreted benefit of clergy to be the secular procedure in the common law into which it had evolved by the seventeenth century. It proceeded against Macnemara as it had against petitioners for benefit of clergy during the proprietary period. It denied him his claim of office, notwithstanding his introduction and its admission of a witness. It required him to prove his literacy; consequently, it ordered him to be branded and discharged.

The court's use of the common law rule that a candidate for admission to benefit of clergy must be literate and its subsequent order to execute the condition of branding was an instance where it proceeded according to rules that had been statutorily annulled. Five years earlier, the statute of 5 Anne c. 6 had abolished the literacy test as a prerequisite for admission to benefit of clergy.³⁶ It ordained that a convict of a clergyable felony "... shall not be required to read, but without reading shall be punished as a clerk convict. . . ." Consequently, it extended the rules of admission to benefit clergy to all males, regardless of literacy.

The fact that the Provincial Court did not apply this rule to the case in point indicates the existence of a time lapse in the transmission of the English rule into the colony and the court's incorporation of it into its criminal proceedings. Historically, the court's proceedings in cases that involved a plea of benefit of clergy testify to this explanation. Traditionally, it had determined the admissibility of a plea of benefit of clergy according to the common law rules. Furthermore, it tended to mitigate the harshness of the criminal law when possible. Its application of the liberalized rules of admission to benefit of clergy would have been consistent with both of these practices. These conditions, together with the fact that the sentence passed against the only candidate who had pleaded benefit of clergy in the Provincial Court and who could not prove his literacy was not executed, provide evidence that the court did not deliberately fail to apply the rule of the statute of 5 Anne c. 6 in *Her Majesty v. Macnemara and Mitchell*.

³⁵ 25 Edward III. st. III. st. 3. c. 4.

³⁶ 5 Anne c. 6.

The failure of the Provincial Court to acknowledge Macnemara's plea that he was a clerk and its determination of the validity of his plea of benefit of clergy according to the settled rules of admissibility of a lay convict to benefit of clergy provided Macnemara with grounds upon which to contest the court's judgment. He appealed the judgment in a petition for a writ of error to the Provincial Court of Appeals. The appeal proceedings testify to the fact that the provincials were familiar with, understood, and applied to their judicial proceedings, where appropriate, the criminal procedures of the common law. Particularly, they provide commentary on the rules that governed admission of a plea of benefit of clergy in those proceedings.

The conditional nature of a grant of benefit of clergy motivated the appellant to petition the Court of Appeals to review his case. In provincial as well as common law, a convicted felon forfeited his estate to the Crown as well as his legal personality. At common law, a grant of benefit of clergy nullified execution of a sentence of capital punishment; it did not restore his estate or legal personality to a lay convict. On the other hand, an ordained clerk, convicted of a felony at common law, to whom the court had granted benefit of clergy could arrest the judgment against him. Consequently, he not only avoided sentence at common law, including forfeiture of his estate, but also retained his personality in the law. The fact that Macnemara constructed his petition on this grounds indicates that he hoped to avoid not only branding, but also forfeiture of his estate and legal personality. His assignment of errors reveals that he hoped to have his lands, goods, chattels, and legal personality restored to him. He contended

... that in the Record and process aforesaid as also in the rendring of Judgment aforesaid it is manifestly erred in this (that is to say) where Judgment was rendered that the said Thomas Macnemara should be burnt in the hand the Judgment should have been given or rendered that he should be discharged....³⁷

The Court of Appeals (governor and council) granted Macnemara's petition. On 22 April 1713, it sued out a writ of error to the Provincial Court ordering it to transmit a transcript of the record of *Her Majesty v. Macnemara and Mitchell* into the Court of Appeals for review. The reaction of the Court of Appeals to its review of the Provincial Court proceedings indicates that it considered Macnemara's construction of his plea of benefit of clergy on the grounds that he was a lay clerk and his presentation of a witness to testify to his clerkship to have been valid procedures. It also demonstrates that the Court of Appeals considered the rule that exempted a clerk convict from forfeiture as well of his legal personality as his estate to the Crown to be good law in Maryland. It found that the Provincial Court had erred in its judgment and declared that

... all and singular the premises being by the Court here fully understood It is therefore considered the day and Year aforesaid that the Judgment of the Provincial Court for the

³⁷ *Proceedings of Appeals Court.*, p. 163.



Charles Calvert, 5th Lord Baltimore. By Allan Ramsey.
Courtesy of Enoch Pratt Free Library.

Error aforesaid by the said Thomas Macnemara Assigned be reversed Annulled and altogether held for nought.³⁸

Consequently, it ordered

... that the said Thomas Macnemara be restored to all things which he hath lost by occasion of the Judgment aforesaid And that he be discharged from any further prosecution of and upon the premises.³⁹

Maryland law contained no statutory prescription for the rules of admission to benefit of clergy in the seventeenth century. The failure of "An Act following booke for certain Felonies" (1638/39) to be enacted into law arrested legislative definition of such rules for more than eighty years. The next statutory reference to benefit of clergy appeared near the end of the first quarter of the eighteenth century. This and subsequent references were similar to the early act in their assumption that all felonies were clergyable unless ousted by statute. Unlike the earlier act, "An Act declaring punishment for burning court-houses" (October 1720) and similar acts subsequently passed did not classify specific crimes as clergyable. To the contrary, they were exclusionary. In the tradition of the English ouster statutes of the sixteenth and seventeenth centuries, they ousted particular felonies from benefit of clergy.⁴⁰

The provincial ouster statutes of eighteenth century Maryland expressed a change in the prevailing attitude toward the application of the criminal law. Passed in the generation before the Revolution, these statutes reflect increased provincial concern over contemporary problems. They attempted to remedy problems that derived from disrupted societal conditions--the consequences of inequitable class and race relations (particularly master-servant relationships), of depressed economic conditions (particularly the problem of the scarcity of a legal tender currency), and the circumstances of war.

These statutes ousted specific felonies from benefit of clergy in two ways; they ordered the ouster of a particular felony either as the principal intent of the act or as a condition concomitant to the prescription of punishment upon conviction. Most of these statutes ousted particular felony from benefit of clergy by simply declaring that, subsequently, a person who was convicted of the crime specified should suffer death as

³⁸ *Ibid.*, p. 164.

³⁹ *Ibid.*

⁴⁰ *Archives of Maryland*, XXXIV, p. 116, "An Act declaring punishment for burning of court-houses," (October 1720): XXXVI, pp. 454-455, "An Act for the more effectual punishment of negroes and other slaves and for the taking away benefit of clergy from certain offenders," (July 1729): XLII, p. 598-599, "An Act to prevent the cutting up tobacco plants, destroying of tobacco and tobacco houses, and ascertaining the punishment of the criminals guilty of the said offenses," (May 1744): LXII, pp. 133-151. "An Act for emitting bills of credit and other purposes therein mentioned," (December, 1769): LXIV, pp. 242-253. "An Act for emitting bills of credit and applying part thereof," (November 1773): LII, pp. 420-521, "An Act for granting a Supply of Forty thousand Pounds for his Majesty's Service, and for striking Thirty-four Thousand and Fifteen Pounds and Six Shillings thereof in Bills of Credit and raising a Fund for sinking the same," (May 1756): XIII, pp. 398-399, "An Act to prevent counterfeiting the paper Money of Other Colonies," (June 1773).

a felon without benefit of clergy. Two of these statutes elaborated the conditions of ouster sufficiently to reveal the influence of the common law rules of admission to benefit of clergy on their provincial counterparts.⁴¹

The earlier of the two statutes, "An Act for the more effectual punishment of Certain Offenders and for taking from them Benefitt of Clergy," demonstrates this influence. It was based on the assumption that all felonies were clergyable unless particularly excluded at common law or ousted by statute. It created a felony and ordered its ouster from benefit of clergy. It ousted convicts of compound burglary and larceny from benefit of clergy by ordaining that

... any Person or Persons who shall ... break any Tobacco house or other Out Houses whatsoever and steal from thence any Goods or Chattells to the value of five shillings sterling or who shall Councill, hire Command Aid or elect any person or Persons to Comit the said Offences and be thereupon Convict by Confession upon his or their Arraignment Verdict of a Jury or be Out Lawed or who shall Obstanately or of Malice stand Mute or Pre-emptorily Challenge above twenty shall suffer death as a felon without Benefit of Clergy.⁴²

The text of this act reveals that it incorporated several of the common law rules that governed a convict's admission to benefit of clergy. It defined grand larceny according to the statute of 39 Elizabeth c. 15. It borrowed from the statute of 4-5 Philip and Mary c. 4 its provision that ousted a plea of benefit of clergy from accessories before the fact. It adopted from diverse ouster statutes of the Tudor period its declaration of the modes of conviction that would oust benefit of clergy from a convict.⁴³ Finally, the act borrowed from the statute of 39 Elizabeth c. 15 its specification of the circumstances of larceny that would exclude a plea of benefit of clergy from a convict.

The availability of benefit of clergy in provincial Maryland and its application in the criminal proceedings of the Provincial Court provide substantial evidence of the presence of the criminal procedures of the common law as the basis for and the formative influence upon the development of the criminal procedures of the superior judiciary of the province in the seventeenth and eighteenth centuries. Maryland law contained no statutory prescription of the rules governing admission to benefit of clergy until the third decade of the eighteenth century. The case records of the judicial proceedings in both the Provincial Court and the Provincial Court of Appeals during the seventeenth and early eighteenth centuries reveal clearly, however, that these tribunals governed their determination of the admissibility of a plea of benefit of clergy by the rules of admission of the common law.

The facts that 1) the Provincial Court granted benefit of clergy whenever possible and 2) the governors pardoned or remitted the sentences of those whom the court

⁴¹ *Ibid.*, XL, pp. 86-87, "An Act for the more effectual punishment of certain offenders and for taking from them benefit of clergy," (April 1737): XLII, pp. 613-614, "An Act for the punishment of horse stealers and other offenders," (May 1744).

⁴² *Ibid.*, XL, pp. 86-87.

⁴³ See for example, 23 Henry VIII. c. 1; 25 Henry VIII. c. 3; 1 Edward VI. c. 12.

determined were not entitled to admission to benefit of clergy clearly demonstrate the official tendency to mitigate the consequences of the law applied. They indicate that the governing officers of the province realized that inequities between crime and punishment existed in the criminal law of the province. Furthermore, they indicate that the provincial judicial and executive officers attempted administrative remedy of those inequities.

The provincial statutes of the eighteenth century which ousted specific crimes from benefit of clergy represent the responses of the provincial legislature to local problems. They show that the common law rules of admission to benefit of clergy remained in the eighteenth century as they had been in the seventeenth, the formative influence on the development of the provincial rules of admission.

These laws reflect increased provincial concern over societal problems and a desire to remedy them. More significantly, they declare a recognition of the fact that the provincial criminal law needed fundamental, substantive reform. They express the belief that the attempt to mitigate the consequences of the criminal law by administrative mechanisms was not the remedy for a defective system. They signal the realization that efforts at judicial mitigation of the criminal law through the use of benefit of clergy, a complex but incomplete procedure, not only failed to solve, but rather increased the problems produced by the administration of an inequitable system of law.

SIDELIGHTS

A Marylander in Africa: The Letters of Henry Hannon*

W. WAYNE SMITH

THE BRIG *NIOBE* set its sails in Baltimore's harbor on November 27, 1837 and headed down the Chesapeake Bay destined for Cape Palmas, Liberia. On that African cape was a small colony of former slaves who had settled there in 1834 under the auspices of the Maryland State Colonization Society. By 1837 the colony numbered over two hundred settlers under the administration of the Negro governor, John Brown Russwurm. The *Niobe* carried in its hull a contingent of eighty-five ex-slaves to augment the struggling African colony's population.¹

Among the *Niobe's* passengers was Henry Hannon, some thirty years old and recently emancipated by the Dorsey family of Anne Arundel County, Maryland.² Like other colonists who emigrated to Texas, California or Oregon, Hannon could not abruptly sever his ties with his former life. As he settled in his adopted country his thoughts turned frequently to the home, friends and master he left in Maryland. Attempting to maintain a line of communication, fragile as it would be, Hannon wrote several letters to the family of his former master.

In the first of four letters sent together and written in 1840, Hannon related to his former friends of the life in the small African colony. In the first letter he alluded to the constant threat of war between the American and African Blacks. Still he was satisfied that he had emigrated and showed a stern determination to succeed.

Capepalmas

June 8th 1840

* These letters are in the possession of Mrs. Page Swann Gillet, Montmorenci, Glyndon, Maryland, and are published with her permission.

¹ Useful studies of the antebellum colonization movement are P. J. Staudenraus, *The African Colonization Movement, 1816-1865* (New York, 1961) and Penelope Campbell, *Maryland in Africa: The Maryland State Colonization Society, 1831-1857* (Urbana, Ill., 1971). Both studies, however, focus on the colonies from the administrative level.

² Manumission Book, Maryland State Colonization Society Papers, MS. 571, Md. Hist. Soc. This record listed Hannon's age as thirty-six years but other records indicate that he must have been younger.

To Mr Richard Dorsey
Baltimore

Dear Sir

I avail myself with this opportunity to write you a few lines in hopes of finding you & your family in good *health* as I am in good *health* at this time.

We are all in good *health* in this Colony, at about this time, only very bad *colds*, by the changes of the weather. there have bin some *deaths*, in this place, its certain, not more than common; there have been five deaths this year only and you may judge from that, whether our Colony are very sickly or not.

We are still living in peace with the natives of africa. we have had no war, with them yet, all are well; all are well. as for myself I am glad that I ever came to this place tho it was poor but the day will soon come when we shall be glad that such place was ever found out for poor *blacks* to live in—there have bin some persons gone to america from this place and have said thy could not live hear,—no; thy could not live hear thy could not live in the bank of money if thy were put in,—thy cant not work, cannot work,—no,—who can.—work and live on freedom. we must bind our minds to work and then we shall live

I have no news worth writing to you at this time. Mr. Larkin Dorseys people, are all in good health, and are living in this place yet. thy send thar love to you and your family of servants, nicholas Jackson is a constable and are doing well him & wife, young nicholas is farming on his own farm, Richard Donalson is a carpenter and doing well. John Jackson are living with our governor Mr. Russwurm who is a find man of colour. the boys are put out under a Cabnit maker, paul ramsay are his name—& respectable man.

Know all person who may hear that I have written, that I am in africa and at my *home*

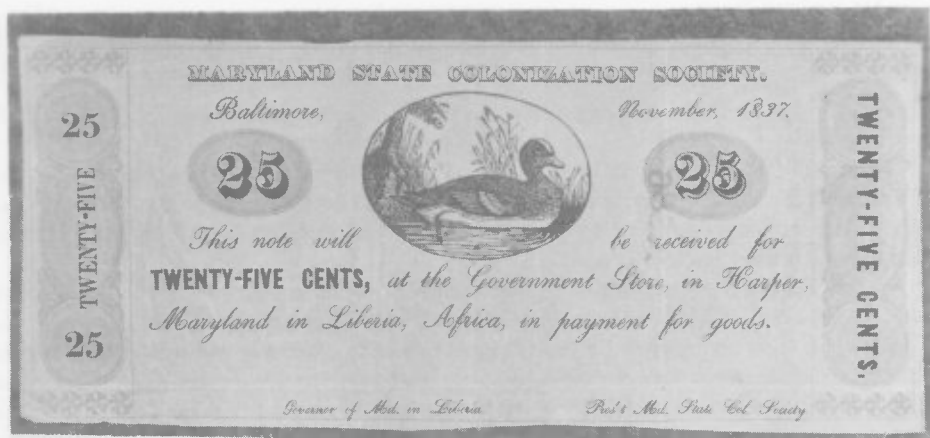
The second letter written two months later suggests that Hannon's optimism had changed to despondency and homesickness. He longed to know of his former friends and life in the stable society which he left behind. Recognizing his inability to alter his fate, he turned to religion for comfort and solace.

[Aug]

Dear Sir

You have told me by your letters that if i wanted any thing to write to you I have *not* bin in want yet. as I expected to come on to see you you have been very good to write to me but you have never wrote a word about my Dear mistress Dorsey I Do not know whether she is living or not Dear Sir I would be very glad to hear from Mr Hall & his family in Cecile County, masr Hannon Dorsey, msr Richard Dorsey. O when did you hear from Mr Shurdine Dorsey in the western country I long to get a letter from him or any of my young master whom I once had. you gave me your advice to get my liven by so Doing I have bin able to obtain my living I do not know how they will Do it I was to go away from this place but I feel myself at home *tho* my provision in this place are scant at times but thank *god* for what we have I think he will take care of us all (amen)

In a subsequent letter Hannon elaborated with greater detail of the problems he and the African colonists faced. Lacking capital they have been unable to trade for



Maryland State Colonization Society 25¢ Note. 1837. *Maryland Historical Society.*

sufficient meat or materials to construct their homes. Personally he longed for his enslaved wife and daughter still in Maryland.

[29 Sept]

My Dear Sir

I now take up my pen to in form you of such things that I want to beg you to please send me if it is convient for you to Do so. I am very sorry to have to trouble you so much, but believing you to be a friend to me as you have bin a friend, so you will be. I can trust you as are, you told me whenever I wanted any thing to Do so necessity have compeld me to Do so

You will please send for me by the first opportunity, some meat of any kind bacon or pork, or fish of any kind. We cannot bye from vessels, without we have Silver mony, and we have not silver money here. our governor, have tryed his best, to get such things as the Colony, stands in need of, for us, and for our good, in my house I want one hundred feet of plank for the floor upstairs Plank sells here seven Dollars a hundred. Please send me a few pounds of nails; however, I will make out a list of what things I want & incloze it in the letter you may look for it

Sir I have not said any thing to you about my Dear wife. O, I cannot leave her name out I long to see her and that Dear little Darling girl who I left in america you will please see her for me and tell her that I am in good health and that I am not marrid yet no, no, I have a hope of seen her in africa! my house will be ready for her I received a letter from some one in america who says she was comin out with Mr Olivers people if she should com on. will you please to see her off with every thing necessary for her to have I shall look for her in the fall when the emigrants come on I have nothing fit to send you or my Dear wife if you will have a barrel of pamoil I will send you one by the next opportunity I have rice and pam oil are we have to sell in this place or to let vessils have what we ant any thing tho it is very scarce at this time

I hope you will see Mr McGill who left This place in a brig with (Dr Hall Captain) who will bring any thing you will send me by him he is a find man he expects to return in the fall when the emigrants come over you will write me by every opportunity you can meet

with and you ma look for a letter from me whenever you ma hear of a vessel from Cape Palmas I will write you by every opportunity I can meet with.

I Beg the favour of you if you please to further the inclosed letter to my Dear wife and say to her she must write to me and if she is in want any thing you please to take care of her for me and at my comming I will repay you all

In a brief note written as he was probably preparing to send the letters it appears that he had completely reconciled himself to his new life.

[8 Oct]

Dear Sir

You will please give my love to all your servats and tell them I am in good health You will let them write to me so I ma know how all are and who have *Died* Since I left america conclude thy all must get religion and if thy never more see me thy must try and meet me in *heaven* to part no *more* I have no more to say But Remain

Your Humble

Harper Town

servat

Henry Hannon

Capt of the

Howard Volunteers Company

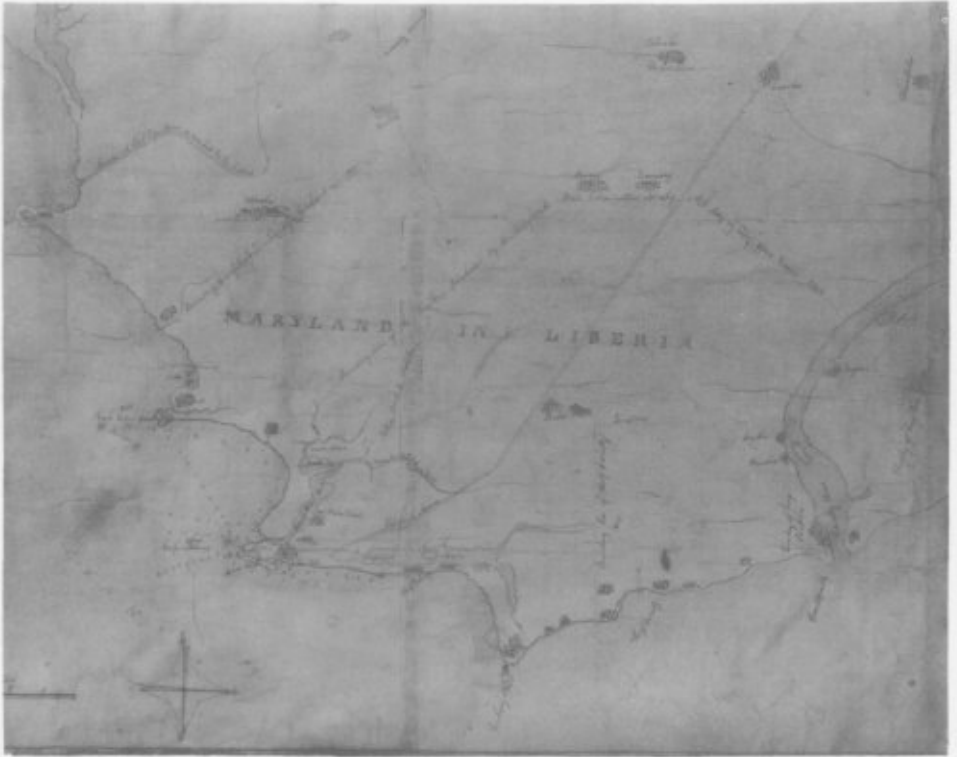
In 1843 the colony's administration took a census of the settlers. In that census Hannon was listed as being thirty-seven years old, married to a woman ten years his junior, the father of an eleven-month-old boy, and a schoolteacher in the colony.³ Hannon taught at the Mount Tubman school which was in a settlement that extended deep into the African wilderness. The colonists in this small community built a school in 1838 and acquired Hannon from the staff of the main school at Cape Palmas. In Mount Tubman he served as teacher, justice of the peace, and captain of the Howard Volunteers, the settlement's sixty-man militia unit. He apparently supplemented his official salary by attending to the supply store in that area.⁴

In 1846 Hannon wrote again to his former master's family and this letter revealed he was a happier man. After eight years in the colony he was beginning to see success for himself and the former slaves that had migrated to Africa. He was about to build a better house and now had a steady complement of meat and bread. Religion remained a mainstay in his life and he appeared reconciled to the fact that he would never again see America. Africa had indeed become his home.

Cape Palmas Jany 23rd 1846

³ Register of Citizens of Maryland in Liberia, MS. 571, Md. Hist. Soc.

⁴ Charles A. Earp, "The Role of Education in the Maryland Colonization Movement," *Journal of Negro History*, XXVI (July, 1941), pp. 379, 383.



Maryland in Liberia. *Maryland Historical Society.*

To Richd Dorsey Esq
Saratoga St Baltimore

Dear Sir

With Pleasure I Recd your letter of the 21st Oct & 7th Novr 1845 and was Happy to hear that you and your family were Enjoying good health. also was glad to hear that you Recd the few articles sent you by the chipola in Jany 1845

I must acknowledge the Receipt of the great Presents you have sent me & my wife. I find in your letter inclosed a Bill of Lading which directed me to a Bbl Pork, a Bbl of flower, and a Box of merchandize. By the Brig Kent, which Brought out to our number, 14 emigrants We heard of an Expedition of 180 Emigrant to the old colony (Monrovia) four week before the arrival of our Emigrants.

The Bbl of Palm oil which was sent in 1841 was Burstsd on the voige the Bbl sent to you on Board the chipola was a Present to you for your great kindness towards me,—and only one thing grieves me is because I cannot find some thing to send you as a Present—notwithstanding my desire is great to do so

Satisfaction, sir

I rejoice in the day that I made up my mind to go to africa; whi I see Peace in my country, I feel free in my country sir, a Perfect Liberty,—yes sir I feel that Liberty in africa,

that I fear I would never enjoy in america. could meny of those who are now free in america (of colour) know how I feel while I write these few lines they would not tarry in the Plains of america,—tho I left meny friends & acquaintance, very dear to me, for what I now Enjoy. I never Enjoy so much Pleasure in any thing since I left america, as I did to hear from Mistress Dorsey & Miss Elizabeth & Mrs Swan who I never heard a word from since I left america. shall I Ever see them again in this life, I know not. Sometimes I think so, then I think not, I would like to see america once more in life, then go to Rest with those in heaven. I find thing are very distracted there indeed. O how can colored People prosper, how can they grown, in that Part of the wourld—you mension some thing about those servants of Mr Larkin Dorseys are those sent out by Mrs Jane Dorsey to africa. I see & know them all Nichols Jackson sr, Nichols Jackson jr Richd Jackson, Jno Jackson, and Nelson Jackson.

Nichs Jackson sr, is doing very well indeed keeping a smart store for himself. Nichols Jackson jr is engaged in keeping store for an union company Ricd Jackson is not doing any thing of any Value for himself or others he has not been able to put up his house since he has been in africa (good for nothing) Jno & nelson Jackson are doing very well at the carpenters trade, Jno has married & has a house of his own. Your unworthy servant, are now about the second house—now 20 by 12 up 10 with 8 feet shed in full Lenght of the house and a pasive in front which will be done in two or three weeks from date.

Your desire of me to mension something about meat and Bread stuffs that we have in africa. When we want Bread we take the Rice, beat it in a mortar, sift it until it become a beautifull white flour, knead it & Break it as other Bread. meats, we have a great meny wild Deer, hogs, goat, and meny other animals. Very good meats when we can get them we cannot get Every time we want them.

Those things shiped by the Brig Kent for myself & wife certainly are of the most important use to us, and I only Regreat my incapability of sending you something in the Exchange of them. Dear Sir

you mentioned if we would send our measure that you would have some shoes made for us—myself, No 9s, my wife pair one No 4s Large course shoes will not answer for this country because it is too warm for them, they burn the foot & draw them. my wife request of me to beg the favour of Mistress Dorsey. If she Please get her Silk Enough to make a Dress an as I do not know what it costs per yard, I do not send any money. If she Please get it & send the Bill I will Pay the *amt* Please get Blue or Purple, or any Dark Colour, but Black as it is very common indeed here with the Ladies of Cape Palmas. We still Remain in Peace with the natives of this Place, all are in good friendship, nothing like war among us. there is to men comming on from africa, I Beg that you will try & see them. Mr Joseph Towson & Robert Scotland, the Latter, is one of the first men who came to Cape Palmas twelve years ago (a Preacher)

I acknowledge the Receipt of Eight Boxes soap sent by Doc Hall five was used in Expenses, Eight Recd by the Brig Kent safe to Land those servant of Mr L. Dorsey I Believe has Recd by the Brig Kent one Bbl of Pork and one of flour which was to be Equally divided among those five Persons. Please send any kind of garden seeds you use and we will try which will grow in this warm climate, any thing like Trad goods, calico, Tobacco, Tin cups are one of the best things we can trad with the natives We are still in the governors employment, on keeping factory for the Society

We believe the time will com, when we shall rais our drooping heads & come out of the Wilderness. we feel our strenght increasing year after year. Please write me word how &

when all your coloured People are /manuscript torn/ on the farm, tell them I am well. Please give my love to Henney, my formal wife My Daughter, tell them I am in good health, and I am Happy to hear that she has so good a master & mistress O love them & obey them. it will Redeem to your good hear and in the world to come everlasting life. If I never see neither of you in this life, O meet me in heaven. I am trying to lay up my treasure there.

I now conclude my letter by saying Please give my love to all who may know, or ask after me tell them I am well at Present and believe me to Remain your affectionate

and obdts

Henry Hannon

N. B. Please excuse my writing it was done at night write by the first opportunity you can meet with. Tell Mrs Swan to write to me & tell me how she is.

No further letters from Hannon appear to have survived, if in fact he wrote any. According to subsequent censuses he continued to teach school and in 1852 prepared the colony's census. By that time he and his wife had three boys and one girl. The land records indicate a measure of success by the Hannon family. They lived on an acre plot, three-fourths of which was planted with potatoes. They also grew coffee, cotton, and fruit trees.⁵

The letters of Henry Hannon reveal the moods and thoughts of a special type of American colonist in the antebellum period. Our history has focused on those pioneers who trekked to the Great West but little is known about those colonists in Africa. From Hannon's letters and records we can see that some African colonists were as determined as the western pioneers to carve out a place for themselves in their New World.

⁵ Census of Maryland in Liberia, November, 1852; Land Statistics, 1848, MS. 571, Md. Hist. Soc.

The Great Baltimore Deluge of 1817

RALPH D. NURNBERGER

ON FRIDAY, THE 8th of August, 1817, it began to rain in Baltimore. By the time the rains had stopped, sometime after 1:00 p.m. on Saturday, the inhabitants of Old Town had witnessed a flood which the *Baltimore American and Commercial Advertiser* called "the most awful and desolating occurrence which has ever befallen the city of Baltimore . . . It was the most destructive in its consequence in the history of the Union."¹ The *Maryland Gazette* reported that the waters were at least five feet higher than the previous flood in 1786 and caused far more extensive destruction than that flood or the fire of 1803.²

Probably the most vivid description of the catastrophe was recorded in a letter written by an eyewitness who signed himself "S.H.C." This letter, written to a Mrs. Elisa Dugan in Roxbury, Boston, is now in the manuscript collection of the Maryland Historical Society and is reproduced in this edition of the *Maryland Historical Magazine* for the first time.

The major flood damage was caused by the overflowing of Jones Falls, a river of approximately fourteen miles in length, which flowed through the northern section of Baltimore known as "Old Town." Fed by numerous smaller streams, Jones Falls passed through a hilly terrain before reaching the city. The river banks were dotted with mills, farms and plantations. During normal times it could be forded at most points on horseback as its depth rarely exceeded two or three feet. Within the city the river was confined by stone walls built on piles, as well as by houses built along its banks. Ultimately it expanded to a width of sixty feet above the Baltimore Street Bridge.³

On Friday, the *Maryland Gazette* reported, "the most prodigious fall of rain was experienced in this county which has ever been known by the oldest inhabitants now living."⁴ As the water level of the streams rose, a torrent surged forth breaking the dams that had been built by the millers and farmers. The destruction of the dams caused the streams to swell even more. Mills and farms were heavily damaged, with livestock and sections and buildings swept away by the surging streams. Two

¹ "Awful Calamity," *Baltimore American and Commercial Advertiser*, Aug. 11, 1817, p. 2 and Aug. 13, 1817, p. 2.

² "The Late Freshet," *Maryland Gazette*, Aug. 21, 1817, p. 2.

³ J. T. Scharf, *The Chronicles of Baltimore*, pp. 389-390 and *Baltimore American*, Aug. 11, 1817.

⁴ *Maryland Gazette*, Aug. 21, 1817.

breweries and five tanneries were completely destroyed before the rushing water reached the city.⁵

The flood's greatest damage was reserved for Old Town. It was this havoc that S.H.C. witnessed and described so graphically in his letter. What he saw was water rising fifteen to twenty feet above its normal level within the city limits. The northernmost bridge, at Centre Street, was ripped from its abutment and washed up on shore. The next bridge, known as Finn's Bridge at Bath Street, was also completely carried off by the torrent. Unfortunately it was driven against the stone bridge at Gay Street where it came to rest and there formed a dam. The floating debris from upstream began to accumulate, forcing the water to overflow the river banks. The water rushed down Fish Street to Harrison, Gay and Frederick streets. The greatest force of the flood crashed against the buildings at the intersections of Gay, Frederick and Harrison streets. The volume and velocity of the water ripped away the land to a depth of six to ten feet, leaving the foundation walls of some houses bare. Entire homes were carried off.⁶

John F. Williams' home and grocery store were destroyed. Mrs. Williams was injured while vainly attempting to save their daughter, who was swept away in her cradle. In Hugh Cunningham's home, Joseph Wren, an 80 year old Revolutionary War veteran who had survived "the times that tried men's souls" assisted in removing the furniture to the second floor. After completing his task, he returned to the garret and went to sleep. The house was then lifted from its foundation and deposited fifty feet away, where it hung to an apple tree until the water receded. Remarkably, Wren slept through this entire event, although others in the house were killed.⁷

The new brick building of Israel Gardner was thrown down. Every house along Newbury Street was either swept away or damaged. Michael Doudle's newly built and well stocked hides and leather shop was carried off. Samuel Welch and John Barnitz lost their breweries. The house that Peter Reel and his aged wife had chosen in which to live out their remaining years was destroyed. Wirich Brent, John Schlosser and G. K. Kane lost their homes, as did Mr. Elgar, who also saw his nail factory destroyed. No accurate estimate of the material loss has ever been made.⁸

The *Maryland Gazette* reported that "our town wears the appearance of having been the scene of military operations; as if it had undergone the assault of an enemy. Some are engaged in burying the dead, some in hunting their valuable effects among the ruins, while others are dispatched as guards to protect the property floated down the stream, from falling a prey to such who seem to consider it, very improperly, legitimate objects of loot."⁹

Once the flood waters began to recede, the survivors faced a desolate scene. Except

⁵ *Baltimore American*, Aug. 11, 1817.

⁶ *Ibid.*; Scharf, *Chronicles of Baltimore*, pp. 390-391.

⁷ *Maryland Gazette*, Aug. 21, 1817.

⁸ *Ibid.*,

⁹ *Ibid.*

for the bridge at Market Street, all the bridges had been destroyed or damaged. Homes, stores and places of business had been ruined. Tragically, many bodies were found among the wreckage. Mrs. Williams' child was found half a mile from her home. Mr. and Mrs. Hugh Cunningham's bodies were found in their home along with the bodies of Daniel Updegraff and Samuel Eichelberger who had sought refuge there. Henry Bradley died in his hen house, where he had gone in an effort to save some of his livestock. Numerous other bodies were discovered, some of which were never identified.¹⁰

The reaction of the press and the local government to this tragedy was noteworthy. The press carried notices of lost items, as well as reports from the health commissioners on how to prepare lime to be used to prevent spoilage in areas that had been under water. They printed instructions urging people to drain their cellars immediately and issued moralistic requests urging people not to take advantage of the victims by looting. On Saturday, August 9, Mayor George Tiles called on his fellow citizens to band together to aid the victims of the disaster. A day later, the city council of Baltimore voted to utilize the fire companies and all others who would lend their services to begin the restoration process.¹¹

The *Maryland Gazette* concluded that Baltimore had been "given an account of of one of the severest visitations of Providence, ever experienced in this place. Sudden and unexpected it came upon one portion of our citizens, and we know not what means of chatisement omnipotence has in store for the rest."¹²

Mrs. E. Dugan
At. Capt. Williams
Roxbury
Boston

Baltimore, Sunday Morning, 10 Aug 1817

My dear Friend,

Since I have the honour to be by regular appointment News agent to your Serene Highness I must (Altho' I wrote to you yesterday) now give you some account of the *Deluge* which took place yesterday in Jones' Falls—Were I to transmit a full report you would believe that from *some strange cause* I had gotten into the spirit of Romance. I'll therefore simply detail some of the facts—A very violent Rain storm commenced abt the middle of Friday night & continued until mid day on Saturday. This stream (the Falls) was swollen to a height never known before in Balti—It left its banks & flowed over the meadow—reached up into Calvert St—extended within a few inches of Col. Hindman's & D. Gibson's steps!—into Telyard's painting shop about 2 ft. deep on the floor—back of this, within a few inches of Amos Williams' stable—was three feet deep on the floor of Peale's Museum—reach'd nearly up that St. to the Theatre—It was 9 feet deep in Fish St. (which I measured myself)—it flowed thro' Harrison St. thro the

¹⁰ *Ibid.*

¹¹ *Baltimore American*, Aug. 11 & 12, 1817.

¹² *Maryland Gazette*, Aug. 21, 1817.

market to the Dock & thro Frederick St. to a considerable distance—it was abt 2 feet deep on; the floor of Chase's Auction Ware House—It came into all of Your Houses—abt 2 feet in Mr. Sutliffs Bar—did no harm except tearing up some of the pavement at Ridgeway's steps & some injury to goods in the cellars—Other people did not fare so well—The dams on the falls were carried away & great part of the canal walls throwing the whole of the water company's machinery out of order for this season at least—as this terrific flood proceeded it swept off all the wooden bridges—carried the Bridge at Finn's Bath house down against Griffith's bridge, that together with other things formed a mountain against Griffith's bridge & altho' it did not carry away the arches has ruin'd it. The iron railing wrapped up like wire & swept away the abutment bank—& much of the arches beaten in—The lower story of all the houses on the banks was filled—some of the inhabitants got out in Boats—but most remind in the second story or Garretts. This confinement of the people to their watery prisons was general all over the meadow & from where this stream enters until it leaves the city—some lives were lost! we do not know how many—perhaps 5 or 6—floating in promiscuous ruin on the torrent were houses—broken to pieces—the roofs—floors—windows with the glass in—doors—furniture of all kinds—even bedsteads—& cradles! pictures in frames—signs—The goods from stores—pipes of wine & Brandy—the apparatis from distilleries and breweries—Mill Cog wheels & c—horses with saddles on—cows—hogs—&c in great numbers.

In Fish St. & Harrison St. many houses torn to pieces—even the brick walls shatter'd down leaving roofs hanging—Finn's old Bath House in part thrown down & roof to the ground—*that wood pile* between this & the bridge (*do you remember walking past it*) it is carried off—Houses in Gay Street much injured—one at corner of Gay & Fredk—Gay St. between the bridge & Frederick St. torn up to the depth of 5 and 6 ft—pavement gave an impassable chasm across Harrison St.—Brick pavement in Harrison near Market torn away. Mr. Darden's stone steps town down—water 4 @ 5 ft deep in [missing] House—Dr. Taylor's house at head of the mar [missing] house thrown down & carried down [missing] St. some distance—Dr. Middleton embargoed in the African Church in Fish St.—Wilson Grocer lost goods in his cellar & in that of Christ's church to am't of 8,000—general loss very great. I have heard persons mention one, two, & three million—from one end of town to the other the yards, gardens &c are swept of fences & trees & walls—Now, by the little that I have time to mention you may form an estimate of the extent & effects of this flood—I have not heard from Deer Creek—fear that My Father's Farm is swept of fences for more than a mile in distance beside mill dam & corn fields which I am sure are ruin'd—A little property of my own that must be injured—I have not seen Mr. B. yet. They are all well—I saw the children this morning—I address this to Boston—supposing you there by this time—in great haste

Yours

This is the 3rd letter to you & but one re[ceived]. You were to write everyday—Oh Elisa thy promises! Farewell—Heaven bless thee—thine—S.H.C.

Notes on Maryland Historical Society Manuscript Collections

The Historical Development of the Manuscript's Division of the Maryland Historical Society

RICHARD J. COX, Curator of Manuscripts

FROM LITTLE CONCERN during the colonial period to the establishment of archival agencies in the twentieth century, the preservation of America's records has steadily improved.¹ The increasing care of Maryland's documents is a microcosm of the national development, and in this the Maryland Historical Society played an essential role.

Considering the care given to records in colonial Maryland, it is amazing what survived.² Although major laws were enacted in 1692, 1716, and 1742 to ensure their safety, the public records were threatened by political squabbles, inferior storage conditions, incompetent government officials, and natural disasters. The apogee of recordkeeping was the construction of a fireproof repository in 1730. Benedict Leonard Calvert, Governor from 1727 to 1731 and an educated man interested in writing a "description and history" of the colony,³ was responsible for this. Nevertheless, a later Governor thought it "impossible to Compile a History from the Records that are in the Province."⁴

From then until well into the nineteenth century Maryland's papers were disregarded. During the Revolutionary War and War of 1812 threats to Annapolis caused the removal of the documents to safer locations. In both wars very little was

¹ For a brief survey see Ernst Posner, "The Genesis and Evolution of American State Archives," *American State Archives* (Chicago, 1964), pp. 7-36. For other articles see Frank B. Evans, comp., *The Administration of Modern Archives: A Select Bibliographic Guide* (Washington, 1970).

² For a detailed analysis see Richard J. Cox, "Public Records in Colonial Maryland," *American Archivist*, XXXVII (April, 1974), pp. 263-275.

³ Aubrey C. Land, "An Unwritten History of Maryland," *Md. Hist. Mag.*, LVI (March, 1966), pp. 77-80.

⁴ Horatio Sharpe to Cecilius Calvert, May 26, 1760, *Archives of Maryland*, William H. Browne, et al., eds. (Baltimore, 1882-present), IX, pp. 417-418.

lost, but no efforts were made to better organize or preserve them.⁵ Finally, in 1834, the State Librarian, David Ridgely, was appointed by the Maryland Legislature to examine the public buildings where records were stored and to suggest improvements for their care. In 1835 Ridgely issued three detailed reports; in essence he hoped the documents would be "judiciously selected and compiled" to reveal the past.⁶

As long as the papers were throughout the State, its past could not be effectively reconstructed. John Leeds Bozman, who published the first history of the State, wrote that the collecting of sources "was a much more arduous one than he expected. It was impossible to compile and digest from voluminous books of records, scattered in different offices, where the author would be liable to constant interruptions, any historical work worthy of perusal."⁷ With Ridgely in charge of the State Library for the first fifteen years of its existence, this problem was partially corrected. Although he did not succeed in creating a central repository, Ridgely emphasized the care of manuscript materials as well as published works. He deprecated the prevalent practice of collecting autographs by cutting signatures out of documents.⁸ He also published the first extensive collection of Maryland sources.⁹

The Maryland Historical Society succeeded the efforts of David Ridgely. At its first recorded meeting on January 27, 1844 one of the Society's purposes was "collecting the scattered materials of the early history of the state of Maryland."¹⁰ Its aim was both public and personal papers and was the first expression of interest in collecting *all* Maryland documents. Within the first year provision was made for purchasing manuscripts,¹¹ and, by the end of 1844, the Society owned a number of significant papers. Included already among the Society's possessions was "an autograph Letter by W[illiam] Penn" and the rich collection of colonial and revolutionary manuscripts of Robert Gilmore.¹²

The Society's manuscript holdings increased rapidly even in its early years. By January 1845 there was enough to merit a cataloguing system.¹³ The following year

⁵ Morris L. Radoff, "The Maryland Records in the Revolutionary War," *American Archivist*, XXXVII (April, 1974), pp. 277-285.

⁶ *Report of D. Ridgely, State Librarian, to the Executive of Maryland*. . . (Annapolis, 1836); *Second Report of D. Ridgely, State Librarian, to the Executive of Maryland*. . . (Annapolis, 1836); *Third Report of D. Ridgely, Librarian, Of Examination of Public Offices, For Records, Papers, etc., etc. Made to the Executive of Maryland, the 23d of December, 1835* (Annapolis, 1836).

⁷ *A Sketch of the History of Maryland, During the Three First Years After Its Settlement; To Which is Prefixed, A Copious Introduction* (Baltimore, 1811), p. vi.

⁸ David Ridgely to Levin Handy, October 4, 1841, David Ridgely of Annapolis Papers, MS. 1603, Md. Hist. Soc.

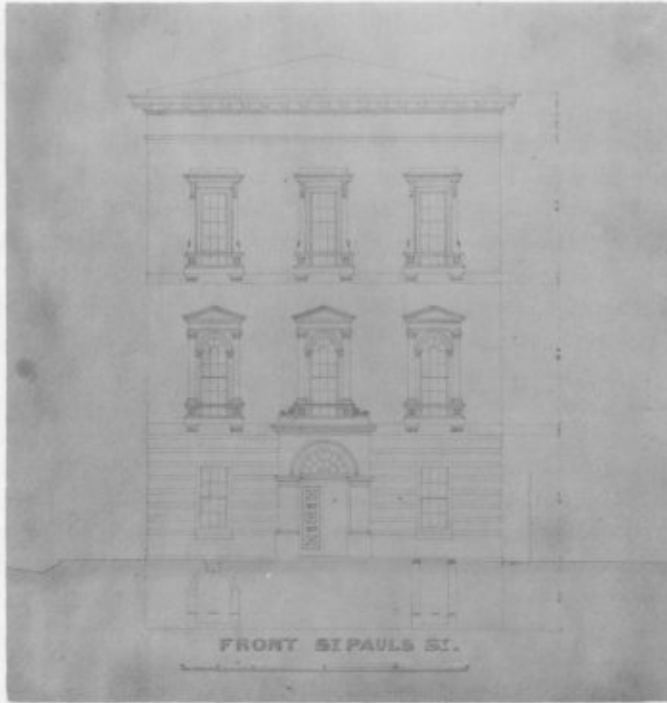
⁹ *Annals of Annapolis, Comprising Sundry Notices of That Old City From the Period of The First Settlement in Its Vicinity in the Year 1649, Until the War of 1812: Together with Various Incidents in the History of Maryland, Derived From Early Records, Public Documents and Other Sources*. . . (Baltimore, 1841).

¹⁰ Minutes, I, p. 1, Maryland Historical Society Archives and Papers, Ms. 2008.

¹¹ Minutes, I, p. 30, Ms. 2008.

¹² Minutes, I, pp. 12-13, 38-40, Ms. 2008. The Gilmore Papers, Ms. 387 and Ms. 387.1, remain one of the most significant holdings of the Society.

¹³ Minutes, I, p. 48, Ms. 2008.



Athenaeum Building Plans. *Maryland Historical Society.*

the services of a full-time librarian was needed.¹⁴ The turnover to the Society by the State of their colonial papers contributed to the rapid accumulation of manuscripts. Approved during the December 1846 session of the Maryland Legislature, the transfer had been completed by the end of 1847.¹⁵

The State had not given all of its historical documents to the Society. In the January 1858 legislative session, the Maryland government requested John Henry Alexander, on diplomatic duty in Europe, to survey documents at Rome and in England; the purpose was to procure copies for the State Library. At the end of 1859 Alexander reported recommending that the papers in the State Library, the Council Chamber, and the Court of Appeals be calendared so that duplicate copies not be made. He had Reverend Ethan Allen, "whose private Historical researches had made him more familiar than any other person with the Documents in question," do this.¹⁶ Reverend Allen also submitted a report in December 1859 bemoaning the poor

¹⁴ Minutes, I, p. 117, Ms. 2008.

¹⁵ Minutes, I, pp. 135-136, 145, Ms. 2008. For a copy of the resolution see *Journal of Proceedings of the House of Delegates of the State of Maryland, December Session Eighteen Hundred and Forty-Six* (Annapolis, 1846), p. 99.

¹⁶ *Report on Certain Documents Touching on the Provincial History of Maryland: Addressed to His Excellency the Governor* (Baltimore, 1860), p. 7.

condition of the papers. "Much . . . has already been lost beyond recovery," stated Allen, "and more will be lost unless the government is more faithful to its trust in the preservation of its records, then it has been in times past."¹⁷ In 1861 a calendar was completed and an index published.¹⁸

Even with the completion of this calendar, many persons were still unconvinced of the safety of the records. The greatest concern was that the papers were all over Maryland. In 1866, Brantz Mayer, one of the Society's founders, wrote to the Governor that all the papers should be assembled "in suitable cases" in the Executive Chamber at Annapolis. Their scattering encouraged loaning and theft: "in one case . . . not less than twenty-five original letters from Samuel Chase, the signer of the Declaration of Independence, are missing, though a receipt for them was given with a promise for their return within a specified period!" Mayer even promised to return the papers the Society held if the State guaranteed their preservation.¹⁹ When Mayer assumed the Society's presidency, which he held for a quarter-of-a-century, he endeavored to make the Society the official record repository. In 1874, 1878, and finally with success in 1881, the Society petitioned the Legislature for the remainder of their records.²⁰ The act passed also provided for the publication of the State papers.²¹

Publishing as a means of preservation had interested the Maryland Historical Society from its inception.²² In 1846 the journal Charles Carroll of Carrollton maintained on his 1776 mission to Canada was published.²³ A few years later the Society endeavored to obtain funds from the State to publish the "most important" of the papers transferred to it in 1846-1847.²⁴ Receiving no support from the State, the Society after the Civil War attempted to publish "a valuable volume Compiled from Our Stock of Colonial and interesting manuscripts."²⁵ A lack of funds aborted this. In 1878 Brantz Mayer resurrected the issue informing the Maryland government that it "ought to adopt the same system [publishing] as other States in perpetuating, and also in promulgating her Provincial history."²⁶ Four years later, with the approval and financial support of the government, publication of the *Archives of*

¹⁷ *Report on the Condition of the Public Records* (Annapolis, 1860), p. 4.

¹⁸ *Report of the Rev. Dr. Ethan Allen, In Relation to Records of the Executive Department; and Letter from John H. Alexander, Esq., In Reference to Calendar of Domestic State Papers* (n.p., n.d.); John Henry Alexander, comp., *Index to the Calendar of Maryland State Papers* (Baltimore, 1861).

¹⁹ *A Letter to Gov. A.W. Bradford, On the Examination, Classification, and Partial Arrangement, of Some of the State-Papers of Maryland, Belonging to the Proprietary, Royal, and Revolutionary Periods* (n.p., n.d.), pp. 4-6. Mayer had examined the documents in 1864 and 1865. See Brantz Mayer to Augustus Bradford, May 5, 1864, and Augustus Bradford to Brantz Mayer, May 10, 1864, Vertical File, Md. Hist. Soc.

²⁰ Minutes, III, pp. 294, 471; IV, p. 119, Ms. 2008.

²¹ For a copy of "An Act to provide for the preservation, arrangement, publication and sale of Ancient Documents pertaining to Maryland" see *Archives*, I, pp. iii-iv.

²² For a general discussion of this see Fred Shelley, "The Publication Program of the Maryland Historical Society," *American Archivist*, XV (October, 1952), pp. 309-320.

²³ This was reprinted in 1876 for the Centennial. The original journal is now in the Revolutionary War Collection, Ms. 1814, Md. Hist. Soc.

²⁴ Minutes, I, pp. 228-229, Ms. 2008.

²⁵ Minutes, III, p. 118, Ms. 2008.

²⁶ *Memorial of Brantz Mayer* (n.p., n.d.), p. 10.

Maryland commenced. Ninety years and seventy-two volumes later this series continues. One scholar wrote that it is "unequaled . . . both in comprehensiveness and scholarship [and] reflects great credit upon the society and its editors, past and present."²⁷

Despite the Society's emphasis on government records, it did not neglect collecting private manuscripts. For the first two decades, the Society quietly relied on donations from members. Eventually, however, it became aggressive. In 1867 it resolved to recover as many documents and other historical artifacts as possible which were still privately owned.²⁸ The following year Reverend Allen was sent to the Eastern Shore to search for additional historical materials.²⁹ These efforts were not as successful as those concerning the government documents. During the Centennial few items could be obtained for exhibitions.³⁰ Occasionally, however, there were notable achievements such as the discovery and purchase of the Calvert Papers in England in 1888.³¹

As its collections increased³² the Society did not solely rely on publishing for their preservation. Initially, particularly valuable items were stored in a bank vault.³³ When the Society moved out of the old Post Office Building into new quarters in the Athenaeum Building, the manuscripts were noted as having been "judiciously arranged . . . and placed in the fireproof repositories, prepared for them and other objects of rare worth."³⁴ In 1864 a book was started "in which to preserve abstracts of loose manuscripts . . . with a view to facilitate reference to the original papers."³⁵ As in publishing the aim of this was to eliminate as much as possible the usage of the originals.

The advent of the twentieth century brought a number of profound changes for the Manuscripts Division of the Maryland Historical Society. The concern about public records in the nineteenth century had not included the many county documents still housed in the courthouses. The Maryland Legislature in 1904, encouraged by other states and the American Historical Association, established a Public Records Commission to survey these records. In 1905 Mrs. Hester Dorsey Richardson, President of the Maryland Commission, reported the findings of the survey. Examining twenty-two of twenty-three counties Mrs. Richardson recommended that a "central State depository" be established. "The investigations of the commission have demonstrated that we are, despite some few breaks, the proud possessors of

²⁷ Walter Muir Whitehill, *Independent Historical Societies: An Enquiry Into Their Research and Publication Functions and Their Financial Future* (Boston A, 1962), pp. 163–164.

²⁸ Minutes, III, pp. 17–18, Ms. 2008.

²⁹ Minutes, III, p. 69, Ms. 2008.

³⁰ Minutes, III, pp. 316–321, 402–404, Ms. 2008.

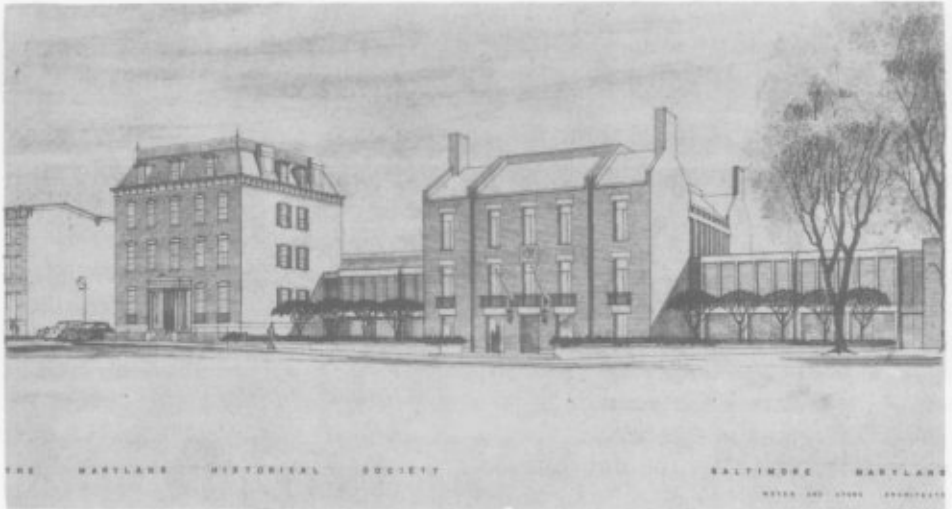
³¹ For the complete story of this purchase see Richard J. Cox, "A History of the Calvert Papers Ms. 174," *Md. Hist. Mag.*, LXVIII (Fall, 1973), pp. 309–322.

³² For an estimate of the manuscripts collection after one decade of the Society's existence see Lewis Mayer, *Catalogue of the Manuscripts, Maps, Medals, Coins, Statuary, Portraits and Pictures; and An Account of the Library of the Maryland Historical Society* (Baltimore, 1854), pp. 3–35.

³³ Minutes, I, pp. 38–40, Ms. 2008.

³⁴ Minutes, I, p. 187, Ms. 2008.

³⁵ Minutes, II, p. 339, Ms. 2008.



Architectural Design of Maryland Historical Society Building.
Maryland Historical Society.

records probably unequaled in age, completeness, and historical interest by those of any of the original thirteen States. But the condition of hundreds of these rare old volumes", the report continues, "which alone are the open sesame to the past history of the founders of Maryland, demands prompt action on the part of the general assembly, for delay in the work of rescue and preservation will prove fatal in many instances."³⁶

Although the Society endorsed the findings of the Commission, it was many years before a central repository would be established. In the meantime the creation of a historical journal, the *Maryland Historical Magazine*, in 1906,³⁷ aided the preservation of the State's records. From the earliest issues manuscripts owned by the State and Society and even by private individuals were edited and published. One of the most important contributions of the journal and the only follow-up to the work of the Public Records Commission was the publication of Louis Dow Scisco's survey of county records.³⁸ Finally, however, because of the Maryland Tercentenary Commis-

³⁶ Hester Dorsey Richardson, "Report of the Public Records Commission of Maryland," American Historical Association *Annual Report*, 1905, I, pp. 367-368.

³⁷ The possibility of such a publication was first suggested in 1888; it was not until 1906 that the appropriate funds could be obtained. Minutes, IV, p. 437, Ms. 2008. See also St. George L. Sioussat, "After Fifty Years: A Review of the Beginnings," *Maryland Historical Magazine*, L (December, 1955), pp. 273-281.

³⁸ Scisco published descriptions of Ann Arundell, Baltimore, Caroline, Cecil, Charles, Dorchester, Frederick, Harford, Kent, Prince George's, Queen Anne's, Saint Mary's, Somerset, Talbot, and Worcester counties. See *Md. Hist. Mag.*, XXI, pp. 261-270, 356-361; XXII, pp. 62-67, 186-189, 245-259, 349-356; XXIII, pp. 20-26, 243-246; XXIV, pp. 17-23, 224-228; XXV, pp. 28-29, 206-208; XXVI, pp. 58-59, 135-138.

sion, the Hall of Records was opened in 1935.³⁹ One century later the hopes and aspirations of David Ridgely and the Society had been fulfilled.

Regardless of its successes in preserving the State's records, the Maryland Historical Society faced, by the early twentieth century, major problems of inadequate funds, lack of staff, and limited storage facilities. The problem of space was alleviated in 1916 when Mrs. Mary Washington Keyser donated the Enoch Pratt mansion to the Society.⁴⁰ In 1913 the Society had been looking for a "modern fire-proof building"⁴¹ and six years later moved into a refurbished, expanded Pratt house.⁴² The more serious problem was money for operational expenses. The Library Committee reported in 1924 that it had been "greatly handicapped by having *no funds whatever* assigned for the purchase of books and manuscripts."⁴³ Inadequate funds affected not just collecting materials but their care. In 1927 it was stated that "while the Society is now upon an efficient, though but too modest, operating basis, its mines of historical wealth remain very partially worked, for lack of adequate funds for repairing, callendar[ing], editing and publishing masses of documents of the greatest historical importance."⁴⁴ Six years earlier, Louis Dielman, describing the overall condition of the Library, remarked that "a number of . . . collections are practically unknown except as collections, and it is necessary to withhold them from use on account of the risk of damage from promiscuous handling. . . . This item alone represents years of labor in calendaring, cataloguing and mending, at the hands of specially qualified persons."⁴⁵

This problem, as Mr. Dielman had so superbly expressed it, was to remain for a number of years. The excellent Maryland Historical Records Survey sponsored by the Works Projects Administration during the depression only altered it slightly by contributing one calendar of a major collection.⁴⁶ By the late 1950s the Keyser building was too small and apartments in the Monument Street buildings were utilized for storage.⁴⁷ Through a large bequest of John L. Thomas in 1961, the present structure, the Thomas and Hugg Memorial Building was built and occupied in 1967. Besides the creation of separate facilities for the storage and use of manuscripts, the closing of the Library for the summer of 1966 also provided an opportunity for a

³⁹ For a complete description of this refer to *First to Fourth Annual Reports of the Archivist of the Hall of Records* (Annapolis, 1946), pp. 8–12.

⁴⁰ Minutes, VII, pp. 117–122, 133–136, Ms. 2008.

⁴¹ Minutes, VI, pp. 374–377, Ms. 2008.

⁴² Harold R. Manakee, "A Quarter-Century of Growth at the Maryland Historical Society," *Md. Hist. Mag.*, LX (March, 1965), p. 59.

⁴³ Minutes, VIII, p. 475, Ms. 2008.

⁴⁴ Minutes, VIII, p. 695, Ms. 2008.

⁴⁵ Minutes, VIII, pp. 258–259, Ms. 2008.

⁴⁶ *Calendar of the General Otho Holland Williams Papers in the Maryland Historical Society* (Baltimore, 1940). For an assessment of this project in Maryland see Edward C. Papenfuss, "'A Modicum of Commitment': The Present and Future Importance of the Historical Records Survey," *American Archivist*, XXXVII (April, 1974), pp. 211–221.

⁴⁷ Manakee, "A Quarter-Century of Growth," p. 71.



Mr. P. William Filby, Director in the Manuscript Stacks, 1967.
Maryland Historical Society.

“maximum effort” to reorganize the collections.⁴⁸ Under the guidance of P. William Filby, then Librarian, it was decided to use the standardized Library of Congress form for reporting collections.⁴⁹ The previous “system” had been to store the collections alphabetically, but this quickly disintegrated when several large collections, such as eighty boxes of Baltimore and Ohio Railroad papers, were received. Each collection was assigned a number and stored in numerical sequence.⁵⁰

The construction of the new building brought many additional changes to the

⁴⁸ Council Minutes, 1965–1967, p. 1499, Ms. 2008.

⁴⁹ These forms are published in the *National Union Catalog of Manuscript Collections* (colloquially referred to as *NUCMC*) which, since 1959, has published twelve volumes.

⁵⁰ See P. William Filby and Sandra M. Kamtman, “Manuscripts in the Maryland Historical Society, Baltimore,” *Manuscripts*, XVIII (Summer, 1966), pp. 40–46 for a description of this project.

Society's care of its manuscripts. Most importantly the collections were now housed in one section of the Society. Previously, they had been stored wherever convenient; a file card might inform a reader that the collection was "on top of steel cabinet on second level."⁵¹ For the first time a separate Manuscripts Division was formed with a Curator and staff specializing in its operation. This has aided researchers immensely. In 1968 a guide was published listing over 1700 collections, with a superb index. This was the realization of a long held hope by the Society; Fred Shelley, twenty years before, had stated that this was the "most important single publication needed by the Society."⁵² And, with the encouragement of Richard Duncan, editor, a separate feature on manuscripts has evolved in the *Maryland Historical Magazine* since 1968, including accessions lists of new collections and descriptions of important manuscripts.

All of the early goals of the Society have been attained. There are, of course, still difficulties with shortage of staff and storage space. In many ways the Manuscripts Division is entering a new period of development. There are plans being formed for new areas of subject collecting, finding aids, and new techniques of cataloguing, preservation, and storage. Microfilming, for example, has become a particularly important aspect of this Division's work in the past five years with the sponsorship of the National Historical Publications Commission in six major projects.⁵³ There is also a hope to publish a second volume to the Manuscripts guide which will include recent accessions (now numbering considerably over 300), genealogical collections, and the Maryland Diocesan papers. This is now held up by lack of funds with several grant proposals having been turned down. The 1968 publication ran into the same difficulties and was funded completely through the sales of duplicate books from the Society's library. A discussion of these and other prospects for the Manuscripts Division will be covered in a future article.

Regardless of the efforts of over a century-and-a-half, not every manuscript has, of course, been rescued. The vitally important manuscript of the proceedings of the Maryland Convention of 1774 is a case in point. The original had been transferred to the publisher of the *Maryland Gazette*. When it was reprinted in 1836 it was in the hands of the grandson of that editor. After this publication, the proceedings was to be transferred to the State Library, but there is no record of this ever occurring. The journal was deposited in the Society in the 1840s. However, it found its way into the hands of John Thomas Scharf who apparently sold it in the late 1880s. Since then the journal has been missing.⁵⁴ Because of cases like this the Maryland Historical Society and Hall of Records cannot cease to give primary importance to the collection and preservation of the State's documents.

⁵¹ Lowell E. Sunderland, "Cataloguing Project Under Way," *Baltimore Sun*, July 28, 1966.

⁵² Shelley, "Publication Program," p. 319.

⁵³ See Nancy G. Boles, "Microfilming—A Safeguard for Manuscripts," *Md. Hist. Mag.*, LXVII (Spring, 1972), pp. 63–65. The NHPC has also provided funds for the letterpress editions of the Benjamin Henry Latrobe Papers; see Edward C. Carter, II, "The Papers of Benjamin Henry Latrobe and the Maryland Historical Society, 1885–1971: Nature, Structure, and Means of Acquisition," *Md. Hist. Mag.*, LXVI (Winter, 1971), pp. 436–455.

⁵⁴ Morris L. Radoff, "An Elusive Manuscript—The Proceedings of the Maryland Convention of 1774," *American Archivist*, XXX (January, 1967), pp. 59–65.

GENEALOGICA MARYLANDIA

Somerset Parish Records

ROBERT BARNES

Transcribed by Benjamin J. Dashiell of Somerset County, and placed in the Dashiell Genealogical Collection at the Maryland Historical Society.

SOMERSET PARISH, ONE of the original parishes established in 1692, included the land bounded by Manokin and Manny Hundreds and the land lying between the Wicomico and Manokin Rivers. Among the clergymen who served this parish in the seventeenth and eighteenth centuries were: John Huet, 1691–1695; George Trotter, 1698–1703; Alexander Adams, 1704–1738; William Wye (as curate or probationer), 1731–1736; Benedict Bourdillon, 1738–1739; Thomas Chase, 1739–1745; Hamilton Bell, 1748–1783; Edward Gantt (as curate or probationer), 1770; Samuel Tingley, 1783–1785; and Hamilton Bell, Jr., 1786–1794.¹

The first church in the parish probably stood on the grounds of the Elzey estate known as Almodington, and was probably built between 1694 and 1697. King's Mill Chapel, the first chapel of ease, was built some time before 1723, about two and one-half miles south of Princess Anne. A chapel was started at this latter town starting in 1768 or 1769, but was still not finished by 1771.²

This parish register was chosen for publication in the *Magazine* because it is one of the few not transcribed by that indefatigable copier of church records, Lucy H. Harrison, whose work in this area has been so beneficial to genealogists.

A.

ADARI, MARY, daughter of Ouin and Mary, born 3 April 1705.

ADARI, NANY, daughter of Ouin and Mary, born 8 March 1707.

B.

BALLARD, ANN, daughter of Jarvis and Ann, married Joseph Read Taylor, 23 July 1751.

BELL, HAMILTON: The Revd. Mr. Hamilton Bell and Mrs. Mary Robertson, Widdow of

¹ Nelson Waite Rightmyer, *Maryland's Established Church* (Baltimore: The Church Historical Society for the Diocese of Maryland, 1956), pp. 146–147.

² *Ibid.*

the Late Revd. James Robertson Deceased, were Joynd Together in the Holy Estate of Matrimony the 30 March 1749.

BELL, HAMILTON, son of Revd. Mr. Hamilton Bell and Mary, born 22 February 1749/50.

BELL, WILLIAM, son of Revd. Mr. Hamilton Bell and Mary, born 1 June, about 10 a Clock at night, 1752.

BOURDILLON, ANDREW THEODORE, son of the Revd. Mr. Benedict Bourdillon and Johanna Gertruij Jansen his Wife, born on Friday at Three a Clock in the morning March 24 1737/8; and was baptized in Manny Church in Somerset Parish by his Father on Sunday May the 14th 1738. His Parents Stood by Proxy for Mr. Andrew Jansen and Amy Bourdillon the Childs Godfathers and Mrs. Dorothea Hertal (Amy Bourdillon's wife) his Godmother.

BOZMAN, MARY, married Panter Laws, 2 February 1739.

C.

CARY, THOMAS, son of Thomas and Rachell, born 7 July 1701, at Moni.

CHENEY, ANDREW FRANCIS, and Mary Day Scott were married 15 July 1755; he died 27 February 1790, aged 69 years, 8 months and 24 days. (Born June 3, 1720.)

CHENEY, JAMES, son of Andrew Francis and Mary Day, born 5 May 1756; died 24 July 1759.

CHENEY, FRANCIS TUBMAN, son of Andrew Francis and Mary Day, born 6 August 1758.

CHENEY, WARE, son of Andrew Francis and Mary Day, born 18 June 1760.

CHENEY, ALICE, daughter of Andrew Fancis and Mary Day, born 8 September 1762.

CHENEY, DAY SCOTT, son of Andrew Francis and Mary Day, born on Friday 30 November 1764.

CHENEY, FRANCES WARE, daughter of Andrew Francis and Mary Day, born Tuesday May 12, 1767.

CHENEY, WILLIAM BRADSTON, son of Andrew Francis and Mary Day, born 21 September 1770; died 24 August 1788.

CHENEY, FRANCIS TUBMAN, and Elizabeth Coston were married 15 May 1780.

CHENEY, MARY DAY, daughter of Francis Tubman and Elizabeth, born 13 April 1781.

CHENEY, ANDREW FRANCIS, son of Francis Tubman and Elizabeth, born 6 February 1783; the above is Grand Son to Doctor Andrew Francis Cheney of Somersett County, Maryland.

COSTON, ELIZABETH, married Francis Tubman Cheney, 15 May 1780.

CROUCH, MARY, daughter of Jacob and Jean, born 31 January 1709, at Moni.

D.

DASHIELL, JOHN, and Polly Handy were married 5 April 1796.

DASHIELL, MARY ANNE AMELIA HANDY, daughter of John and Polly, born 16 September 1797.

DASHIELL, CHARLOTTE ELIZA HANDY, daughter of John and Polly, born 4 October 1800.

DASHIELL, EBENER HANDY GEORGE WASHINGTON ALEXANDER HAMILTON LEVIN JOHN RICHARD, ROBERT, son of John and Polly born 16 October 1805.

DENWOOD, Pegg negro girl slave to Arthur Denwood, was born 8 May 1703/4. Pollidow, slave to Mr. Levin Denwood, born in March 1700.

DUNCAN, CHRISTIAN, mother of James Smith base borne son of Henry Smith.

E.

ELZEY, SARAH, daughter of Major John Elzey, married Thomas Hayward 4 September 1753.

ELZEY, ARNOLD, and Margrett Lindow were married 8 November 1750.

ELZEY, ARNOLD, son of Arnold and Margret, born 16 February 1756.

ELZEY, JAMES, son of Arnold and Margret, born 17 March 1759.

F.

FOUNTAIN, MARCY, son of Nicholas, married Betty Gillis daughter of Thomas Gillis, married 28 November 1745.

FOUNTAIN, NICHOLAS, son of Marcy and Betty, born 19 October 1746.

G.

GALE, Doan, negro Boy belonging to Major George Gale, was born 19 August 1709.

GANTT, EDWARD, and Anne Stoughton Sloss daughter of Thomas and Mary Sloss, were married 26 June 1768, by the Revd. Mr. Thomas John Claggett.

GANTT, THOMAS SLOSS, son of Edward and Anne, born 10 May 1769, in Somerset County; baptized 25 June 1769, in Somerset Parish Church by the Revd. Mr. Hamilton Bell.

GANTT, WILLIAM STOUGHTON, son of Edward and Anne, born 26 July 1771, in Prince Georges County, Maryland; baptized 27 September 1771, at Christ Church in Queen Anne Parish, his Sponsors were Mrs. Eleanor Gantt, Messrs. John Gantt and Basil Waring the Third.

GANTT, EDWARD SLOSS, son of Edward and Anne, born 3 November 1772, at Park Hall in Prince Georges County in Maryland.

GEDDES, WILLIAM, son of Robert and Susannah, born 31 August 1738; married Mary Handy, daughter of Captain John Handy, 27 June 1759.

GEDDES, ROBERT, son of William and Mary, born 20 May 1761.

GILLIS, BETTY, daughter of Thomas, married Marcy Fountain, 28 November 1745.

GOLDSMITH, HANNAH, mother of Hannah Smith, Elegenditimate child of William Smith.

GUIBERT, ELIZABETH, daughter of Joshua, married Thomas Jones, 15 October 1751.

H.

HANDY, MARY, daughter of Captain John Handy, married William Geddes, 27 June 1759.

HANDY, POLLY, married John Dashiell, 5 April 1796.

HAYWARD, THOMAS, and Sarah Elzey daughter of Major John Elzey, were married 4 September 1753.

HAYWARD, THOMAS, son of Thomas and Sarah, born on Friday 1 November 1754; died on Sunday 8 December 1754.

HAYWARD, JOHN, son of Thomas and Sarah, born 21 December 1755.

HAYWARD, ANN, daughter of Thomas and Sarah, born 7 April 1758.

J.

JANSEN, JOHANNA GERTRUIJ, wife of Revd. M. Benedict Bourdillon.

JONES, SARAH, negro belonging to William Jones of Great Monny, was born the 8 December 1708.

JONES, KATHERINE, married Panter Laws, 3 February 1736/7.

JONES, THOMAS, son of Captain Thomas Jones of Liverpool in England, was married to Elizabeth Guibert daughter of Joshua Guibert of St. Marys County in Maryland, 15 October 1751.

JONES, ANN, daughter of Thomas and Elizabeth, born 25 October 1752, in St. Marys County, Maryland.

JONES, JOHN BRITON, son of Thomas and Elizabeth, born 15 March 1755, in Worcester County.

JONES, MARGARET, daughter of Thomas and Elizabeth, born 23 March 1759, in Worcester County.

JONES, RICHARD, son of Thomas and Elizabeth, born 19 September 1764, in Somerset County.

L.

LAWS, PANTER, and Cathrine Jones, were married 3 February 1736/7, by the Revd. James Robertson.

LAWS, CATHERINE, wife of Panter Laws, died 22 March 1736/7.

LAWS, PANTER, and Mary Bozman were married 2 February 1739, by Revd. Mr. James Robertson.

LAWS, ROBERT, son of Panter and Mary, born 24 March 1740.

LAWS, JOHN, son of Panter and Mary, born 12 September 1742.

LAWS, SARAH, daughter of Panter and Mary, born 29 June 1745.

LAWS, WILLIAM, son of Panter and Mary, born 3 April 1749.

LAWS, MARY, daughter of Panter and Mary, born 1 May 1751.

LAWS, ANN, daughter of Panter and Mary, born 24 January 1754.

LAWS, ANN, daughter of Thomas Laws, married William Waller, 3 July 1760.

LINDOW, MARGRET, married Arnold Elzey, 8 November 1750.

M.

MAMBLEY, MARY, married George Phebus, 8 July 1727.

McGRATH, ESTHER, daughter of Oint and Joan, born in April 171-. at Monokin.

MILLER, JOHN, son of Thomas and Mary, born 30 January 1737.

MILLER, ROBERT, son of Thomas and Mary, born 15 April 1754.

O.

ODEAR, MARY, daughter of John and Sarah, born 30 April 1700.

ODEAR, SARAH, daughter of John and Sarah, born 27 February 1702.

ODEAR, JOHN, son of Stephen and Elizabeth, born 25 September 1700.

O'HOGGIN, SARAH, daughter of Lawrence and Mary, born 13 September 1706.

O'HOGGIN, JOHN, son of Lawrence and Mary, born 4 February 1707.

OUSTEN, JOSEPH, son of Joseph and Anne, born April 1704.

OUSTEN, SARAH, daughter of Joseph and Anne, born June 1707.

OUSTEN, ROBERT, son of Joseph and Anne, born April 1709.

OUSTEN, WILLIAM, son of Joseph and Anne, born January 1712.

OUSTEN, GEORGE, son of Joseph and Anne, born June 1716.

OWENS, JOHN, son of John and Mary, born 22 August 1720, at the head of Monokin.

OWENS, MITCHELL, son of John and Mary, born 18 February 1726/7.

P.

PHEBUS, MARY, daughter of George and Mary, born 11 February 1704, at the head of St. Peters Creek.

PHEBUS, GEORGE, son of George and Mary, born 4 February 1706, at the head of St. Peters Creek.

PHEBUS, GEORGE, Junior, and Mary Mambley were married 8 July 1727, by Captain John Jones.

PITTMAN, JANE, (see John Scott).

POLK, WILLIAM, son of John and Jane, born 11 July 1695, at Monokin.

POLK, ANN, daughter of John and Jane, born 27 January 1698, at Monokin.

POLK, JOHN, son of John and Jane, born 22 October 1700, at Monokin.

POLK, JANE, the wife of John Polk, died 28 October 1700.

POLKE, JAMES, son of William and Ann, born 6 January 1699, at Pocason.

POLK, MARY, married John Waller, 8 September 1735.

POLLETT, MARGARETT, daughter of Thomas and Margrett, born 31 March 1700.

POLLETT, ISABELL, daughter of Thomas and Margrett, born 15 April 1702, at Monocan.

POPE, JAMES, son of James and Anne, born 14 October 1698.

R.

READ. (see Tayler)

ROBERTS, RENSHER, and Mary Wallace (Widdow of Mathew Wallace) were married 1 August 1762, by Mr. Bell.

ROBERTSON, MARY, Widdow of the Late Revd. James Robertson, married Revd. Mr. Hamilon Bell, 30 March 1749.

S.

SAWCER, THOMAS, son of Benjamin, died 20 October 1702.

SASER, PANTER, son of Benjamin and Susannah, born 25 April 1708.

SASER, JOHN, son of Benjamin and Susannah, born 6 June 1710.

SAUSER, WILLIAM, son of Benjamin and Susannah, born 13 May 1712. Note: In Liber I.K.L. this name is given as Sawser.

SCOTT, ELIZABETH, daughter of Mr. John Scott and Jane Pittman, [widow of Peter Dent] born 25 March 1714, at Monokin.

SCOTT, JOHN, son of John Scott and Jane Pittman, born 9 March 1717.

SCOTT, MARY, daughter of Mr. John Scott and Jane Pittman, born 20 June 1720.

SCOTT, MARY DAY, married Andrew Francis Cheney, 15 July 1755.

SHAW, MARY, daughter of Jonathan and Sarah, born 28 June 1700, at Monokin.

SHAW, JONATHAN, son of Jonathan and Sarah, born 28 March 1703, at Monokin.

SHAW, DAVID, son of Jonathan and Sarah, born 8 April 1706, at Monokin.

SHEIR, MARGRETT, Note: See Slitt.

SHORES, CATHERINE, daughter of John and Alie, born 13 January 1706/7, at Monokin.

SHORES, WILLIAM, son of John and Alse, born 6 July 1708.

SHORES, ALSE, daughter of John and Alse, born 24 October 1710.

SHOWD, THOMAS, died 9 January 1701, at Mr. John Panters at Little Mony.

SLITT, MARGRETT and SARAH, daughters of Robert Slitt, were born at the Court house bridge (perhaps Ridge ?) of Margrett Sheir mother, the 7 day November 1700.

SLOSS, THOMAS, and Mary Stoughton daughter of Mr. William and Ann, were married Sunday 21 October 1750.

SLOSS, ANN STOUGHTON, daughter of Thomas and Mary, born 26 July 1751; married Edward Gantt, 26 June 1768.

SLOSS, SARAH STOUGHTON, daughter of Thomas and Mary, born 14 April 1753; married Levin Wilson, 1 May 1771.

SLOSS, MARY, daughter of Thomas and Mary, born 28 August 1765.

SMITH, JAMES, base born son of Henry Smith and Christian Duncan, born 13 October 1699, at Back Creek.

SMITH, HANNAH, Elegilimate Child of William Smith was borne of her mother Hannah Goldsmith, 22 January 1700.

SMITH, JOHN, son of John and Rose, born 17 October 1715, at the head of Monokin.

SPISER, JOHN, son of Phillip and Ann, born 7 April 1728.

STEEVENS, SARAH, married Isaac Wheeler, 28 June 1714.

STOUGHTON, WILLIAM, and Anne Catherwood (alias) Elzey, were married 29 January 1716/17, by the Revd. Mr. Alexander Adams an orthodox minister of Gosple of Jesus Christ in ye Province of Maryland.

STOUGHTON, MARY, daughter of William Stoughton Esqr. and Ann his wife, born 19 September 1724; Baptized 27 September 1724, in the Church of Somerst Parish, by the Revd. James Robertson; Coll. Arnold Elzey, Mr. Morieh Ellis, Mrs. Sarah Elzey and Mrs. Alice Ellis being Godfathers and Godmothers.

T.

TAYLER, JOSEPH READ, and Ann Ballard daughter of Jarvis Ballard and Ann, were married 23 July 1751.

TAYLER, SARAH READ and MARY READ, daughters of Joseph Read and Ann his wife, were born the 20 November 1752.

TOMSON, WILLIAM, son of Andrew and Clare, born 17 February 1700.

TURPIN, MARGRETT, daughter of William and Sarah, born October 12, 1704, at Great Mony.

TURPIN, WILLIAM, son of William and Sarah, born 6 January 1706, at Great Mony.

TURPIN, SARAH, daughter of William and Sarah, born 31 July 1711, at 2 in the afternoon, at Great Mony.

TURPIN, ELIZABETH, daughter of John Turpin was born of her mother Note: The completion of this record is entirely faded out.

TULL, RACHELL, daughter of Benjamin and Elizabeth, born November 1710.

TULL, DAVIS, son of Benjamin and Elizabeth, born January 11, 1713.

TULL, BENJAMIN, son of Benjamin and Elizabeth, born 27 July 1715.

TULL, LEAH, married Samuell Wilkins, 4 May 1758.

W.

WALKER, ELIZABETH, daughter of Thomas and Sarah, born 13 October 1701, at Wiccocomoco.

- WALLACE, MARY, (Widow of Mathew Wallace) married Roberts Rensher, 1 August 1762.
- WALLER, ANNE, daughter of William and Bridgett, born 14 November 1689, at Little Mony.
- WALLER, JOHN, son of William and Bridgett, born 13 October 1691, at Little Mony.
- WALLER, MAJOR, son of William and Bridgett, born 29 July 1695, at Little Mony.
- WALLER, KATHERINE, daughter of William and Bridgett, born 22 April 1698.
- WALLER, WILLIAM, son of William and Bridgett, born 6 March 1700, at Little Monny.
- WALLER, GEORGE, son of William and Bridgett, born 25 July 1704, at Little Monny.
- WALLER, JOHN, and Mary Polk were married, 8 September 1735, by the Reverend William Wye.
- WALLER, WILLIAM, son of John and Mary, born 20 June 1736.
- WALLER, JOHN, son of John and Mary, born 1 October 1737.
- WALLER, GEORGE, son of John and Mary, born 26 March 1739.
- WALLER, BETTY and BRIDGET, daughters of John and Mary, born 12 August 1741. (twins)
- WALLER, MARY, daughter of John and Mary, born 28 January 1744/5.
- WALLER, CHARLES, son of John and Mary, born 12 January 1747/8.
- WALLER, JOHN, Senior, departed this Life the 16 April 1749.
- WALLER, WILLIAM, and Ann Laws daughter of Thomas Laws, were married 3 July 1760.
- WALLER, JOHN, son of William and Ann, born 16 July 1762; died 18 May 1763.
- WALLER, SARAH, daughter of William and Ann, born 15 September 1764.
- WALLER, WILLIAM, son of William and Ann, born 10 July 1767.
- WALLER, WASHINGTON, son of William and Bridget, born 28 February 1802.
- WARE, ABELL, son of Bernard and Elizabeth, born 10 October 1699.
- WARE, SARAH, daughter of Bernard and Elizabeth, born 25 November 1702, in Johnyankin.
- WALSTON, JOY, son of Thomas, was Baptized by Mr. John Trotter, minister ye 13 October 1700.
- WALSTON, BOZE, son of Thomas, was Baptized by Mr. John Trotter, minister ye 13 October 1700.
- WALSTON, PETER TAYLOR, son of Joy and Betty, born 7 April 1763.
- WALSTON, LITTLETON, son of Joy and Betty, born 15 May 1765.
- WALSTON, DOROTHY, daughter of Joy and Betty, born 11 January 1768.
- WALSTON, SARAH, daughter of Joy and Betty, born 26 February 1770.
- WALSTON, EDWARD, son of Joy and Betty, born 9 January 1772.
- WALSTON, BETTY, daughter of Joy and Betty, born 12 January 1774.
- WALSTON, ISAAC, son of Joy and Betty, born 2 February 1776.
- WATERS, SARAH, daughter of Mr. John Waters and Mary, born 13 October 17--.
- WEST, MARY, daughter of Capt. John West and Katherine, born 17 July 1698, at Back Creek.
- WEST, ANTHONY, son of Capt. John West and Katherine, born 19 October 1700, at Back Creek.
- WHEELER, JOHN, son of Edward and Margrett, born 1 January 1696.
- WHEALER, ISAAC, and Sarah Stevens were married ye 28 day June 1714.
- WILKINS, SAMUELL, and Leah Tull, were married 4 May 1758.
- WILKINS, THOMAS, son of Samuell and Leah, born 27 May 1759.
- WILKINS, JOHN, son of Samuell and Leah, born 23 September 1760.

WILKINS, ELIZABETH, daughter of Samuell Leah, born 4 June 1763.

WILKINS, LEAH, daughter of Samuell and Leah, born 30 April 1765.

WILKINS, THOMAS, son of Samuell and Leah, born 16 June 1767.

WILKINS, WILLIAM, son of Samuell and Leah, born 26 March 1769.

WILKINS, JENNY, daughter of Samuell and Leah, born 23 January 1771.

WILKINS, SAMUELL TULL, son of Samuell and Leah, born 3 December 1772.

WILKINS, TUBMAN, son of Samuell and Leah, born 27 November 1776.

WILLIAMS, CHARLES, son of John and Elizabeth, born 4 September 1736.

WILLIS, BARNABY, son of James and Elinor, born 1 March 1699, at Back Creek.

WILSON, MARGRETT, daughter of Thomas and Elizabeth, born 18 November 1699, at Monokin.

WILSON, LEVIN, and Sarah Stoughton Sloss daughter of Thomas Sloss and Mary, were married, 1 May 1771, by the Revd. Edward Gantt.

WILSON, ANN, daughter of Levin and Sarah, born 5 August 1773.

WINSER, MARY, daughter of James and Mary, born 1 December 1710, at Little Mony.

WRIGHT, WILLIAM, son of Abell and Katherine, born 15 November 1697.

WRIGHT, ISABELL, daughter of Abell and Katherine, born 29 January 1699.

WRIGHT, ABELL, son of Abell and Katherine, born 3 April 1700.

WRIGHT, THOMAS, son of Bloyce and Sarah, born 29 July 1703, at Little Mony.

WRIGHT, SARAH, daughter of Bloyce and Sarah, born 5 July 1706, at Little Mony.

Y.

YOUNG, WILLIAM, son of John and Isabell, born 19 March 1718/19.

YOUNG, ELIZA, daughter of John and Isabell, born 30 July 1724.

REVIEWS OF RECENT BOOKS

A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland. By Ronald Hoffman. (Baltimore: The Johns Hopkins University Press, 1973. Pp. xiv, 280. \$10.00.)

Professor Hoffman has written a book on his native state to launch the monograph series of Maryland Bicentennial Studies. Before pursuing the anxieties of the elite that led Maryland from colonial status to independence, he seeks to demonstrate how the revolutionary movement developed taking into account social, regional, and economic factors. Yet above all, as he stresses in his conclusion, the author's aim is to resolve the paradox of the setting up of the most conservative of all state constitutions coupled with the rapid enactment of "the most radical fiscal legislation of the revolutionary years." (p. 269)

For Hoffman, the divide between 1773 and 1774 is crucial. He posits a direct connection prior to 1774 between the health of the economy and the vigor of political protest, but thereafter economics assumed a role subsidiary to the elite's perception of the ensuing social convulsions. The early sixties saw a period of economic dislocation and depression which resulted in the political baptism of the Baltimore merchant community. Hurt by adverse trade conditions, they recognized the virtue of nonimportation. The Baltimore group formed a coalition with Anne Arundel County politicians, especially Samuel Chase whose emergence stemmed from internal divisions within the proprietary party. The unity between the two factions proved difficult to sustain. During the Townshend Duties episode the Baltimore merchants were reluctant, at a time of prosperity, to implement a policy of nonimportation. They eventually agreed to do so only after pressure from their Philadelphia counterparts, and here Hoffman has a valuable section dealing with the relations between the two cities. Although heavily dependent on the Pennsylvania port, Baltimore gained impetus for its own growth through an admixture of cooperation and competition with Philadelphia.

The political coalition between Baltimore merchants and Annapolis politicians was revived and fortified in 1773, again at a time of economic crisis. The organization was strengthened by the support of Charles Carroll of Carrollton. This new "popular party" came triumphantly out of the 1773 elections and the subsequent appointment of its leaders to key committee posts. The "popular party" made up of conservative men found itself pitched into the accelerating external conflict with the mother country, its reaction to which was observed keenly by the more radical Hall-Hammond faction. Internally divided on the merits of independence, the "popular party" feared the potential "social and political revolution" (p. 157) that now confronted them. In the face of the disorder and chaos during the summer of 1776, particularly the insurrection on the Eastern Shore, the Maryland political hierarchy quivered. Having drawn up the state constitution, the elite still had the task of asserting its authority and achieving legitimacy. For this the government had to pay—to use Carroll's phrase—the "price of Revolution" by sanctioning radical legislation including reform of the tax system and a law that rendered paper money legal tender for all debts. The stability that followed this legislation ironically contributed to the ultimate disintegration of the conservative coalition which soon foundered on the increasing animosity between its two leading members, Chase and Carroll.

Despite the work of Charles Barker and Philip Crowl, the book quickly dissipates any doubts about the need for another study of the Revolution in Maryland. Hoffman has more than refurbished an old story. Along with the traditional evidence used by historians of the visible traces left by the articulate, he has constructed a profile of the inarticulate mass of colonists who felt strongly enough to mount an insurrection on the Eastern Shore, while softly chiding

Crowl for his dismissal of them. He has also injected into the debate the role of the Methodist ministers in encouraging resistance. In his analysis both of the composition of the dissidents and their motivation Hoffman captures remarkably well the feeling of frenzy that must have been prevalent in the society. More questionable are his speculations about the psychology of the lower propertied elements that constituted the bulk of those put on trial for their participation in the disorders. Deference finds no place in Hoffman's vocabulary because "feelings of dissatisfaction inhere in any class of subordinate people." (p. 226) In fact much of his descriptive language of lower class discontent seems more attuned to a modern urban industrial proletariat than to a predominantly rural and unsophisticated society of eighteenth-century America. According to the author all forms of discontent possessed the lowest common denominator of resentment of authority, but may they not equally well have derived from respect for the British? Certainly their nearby presence made the situation more volatile.

Overall it is almost a cynical tale. There are few if any men of vision, for politics revolved exclusively around a continuing battle between ins and outs, leading to the sacrifice of principles for the sake of power. But occasionally there is a twist, for having made the case that market conditions were the only barometer of the Baltimore merchants' political actions, we suddenly find that underlying ethnic divisions may have surfaced in the 1770s. Predominantly of Scotch-Irish background, the merchants used the Whig Club to harrass those suspected of British leanings. The importance of this element is never assessed for Hoffman mentions it in a single paragraph. (p. 165)

His account of the conservative elite has them both wavering in the face of impending chaos and simultaneously seeing specifically and clearly how to preserve and perpetuate a hierarchical society. Ideology played only an incidental role in the radical legislation affecting taxation and the payment of debts. In other words Hoffman argues that somehow in the midst of a revolutionary situation, men behaved primarily as members of a political and social interest group that calculated more or less exactly the profit and loss accounts of their actions. For much of his analysis Hoffman is heavily dependent on the correspondence of Charles Carroll of Carrollton, but was Carroll typical of the attitudes that permeated the powerful and wealthy elements? For example, the author argues that on the 1777 tender law "Real insight can be gained into the aristocracy's attitude on this question by a close examination of Carroll." (p. 257) But we are reminded two pages later that Carroll's was the only vote against the bill in the Senate. Again, Hoffman asserts that Carroll was "A man of principle" (p. 257) but also emphasizes that Carroll was virtually in a minority of one in having larger conceptions of the late eighteenth century Anglo-American world. For Carroll the actions of a Dulany and an Eden were not only manipulative but symbolic of a system that was inherently unjust and corrupt. The impression of Carroll is that he stands apart from the self-seeking and self-interested elite that were so fervent in their desire to maintain control. It would be difficult to establish Carroll's representativeness.

Avowedly a study limited to one colony, Hoffman wisely does not make any claims as to the typicality of the Maryland experience. However it would have been helpful if the author could have sketched out—albeit tentatively—his conclusions about the nature of revolution in colonial societies. That may be asking too much, for as it stands the book represents a provocative beginning to what promises to be an excellent series.

The Middle Colonies and the Coming of the American Revolution. By John A. Neuenschwander. (Port Washington, N.Y.: Kennikat Press, 1973. Pp. 273. \$12.50.)

The title of this book should more accurately read "Coming of American Independence." Was the Revolution "coming" in 1774-76, or were the colonies then in the *midst* of it? This account of the middle colonies' maneuverings both at the provincial and continental congressional levels does not, as the dust jacket avers, "break new ground," but it does offer a convenient account and analysis, neatly packaged, of the cohesion of New York, New Jersey, Pennsylvania, and Delaware whose leaders feared that radical action would be disastrous for their economic and imperial ties with the mother country. By relating the concerns and activities of these four colonies to one another, to Britain, and to the continental union, Dr. Neuenschwander has appropriately emphasized the importance of provincial, sectional interests in determining the question of independence.

More particularly, Neuenschwander's thesis is that these colonies were the last to accept independence because of an inchoate feeling based on their historic ties with Great Britain; if independence had been declared earlier than it was, and without them, the colonial union may have failed.

These propositions are generally well argued and based upon careful work in both primary and secondary materials. In several instances, however, it appears that the author has not made as full a use of sources cited in his bibliography as is suggested, and there are some notable books and articles omitted from it. The publishers have done the readers no service by placing notes at the end of the book; at the bottom of pages notes may be easily ignored by the uninterested, but more conveniently used by the scholar. The writing is largely free of jargon and other infelicities, and may be read by both the scholar and non-specialist with profit and enjoyment.

Some errors have crept into the book, but they are not so numerous as to destroy the author's credibility. It is doubtful that the Becker thesis "has survived without serious modification." (p. 14) Becker's work has been seriously challenged by Roger Champagne (erroneously listed in the bibliography as Robert), Bernard Mason (whose article on the heritage of Becker is not cited), Bernard Friedman (not in bibliography), and others including this reviewer. Moreover, Neuenschwander's reference to Becker's thesis is imprecise, for it makes no distinction between the questions of home rule and who was to rule at home. Philip Schuyler was *not* "of Tryon County" (but of Albany) nor did "Abram Ten Broeke" (Abraham Ten Broeck) represent Albany County in the New York Assembly, but Renesselaer Manor. (p. 69) Schuyler did *not* resign his place in Congress when he was appointed Major General. (p. 83) The point is interesting, because as a military officer he retained the seat and indeed was re-elected to it before he resigned his commission. The American defeat at Quebec came not on December 21 but December 31, 1775. (p. 148)

The first two chapters set forth the bases of the middle colonies' cohesion and how this was demonstrated in the First Continental Congress. Although Neuenschwander's work stops with 1776, one could wish that he might have extended his inquiries into the 1780s; H. J. Henderson has recently shown that in 1779, 1783, and 1786 the middle states' delegates were divided, some allying with an eastern bloc, a few with a southern bloc, and some others were independents.

Chapter three indicates what actions followed the First Continental Congress as the middle colonies threatened the intercolonial union in various provincial contests over responses to the First Congress's resolves. Chapter four treats the Second Congress's military preparations and shows how "sectional attachment" was the "more powerful determinant" in contests between

Congressional factions; twenty-eight of thirty-six middle colony delegates resisted independence and favored conciliation or rapprochement. And the radicals' gains in the First Congress were contested "because of the emergence of the Middle Colonial bloc as a coherent faction" which forced a proposed reconciliation by the olive branch petition.

Chapters five and six cover war preparations and show how Congress's activities inched the country closer to independence. Despite the middle colony bloc's opposition to this, the movement was strengthened by Congress's military commitments. Again, in chapter seven the scene shifts from Congress to the local level; the winter of indecision, 1775-76, was followed by the more decisive turn toward independence after January 1776, marked for example by the New Jersey Congress's choice of a pro-independence delegate (Jonathan Sergeant) and a change of instructions so that their delegates were not utterly prohibited from voting for independence. Finally, in the last chapter, the issues of replacing colonial governments with new ones and of independence were resolved as middle colony resistance melted away first with Pennsylvania, then Delaware and New Jersey, and finally New York. The New York Whigs had to be dragged out of the empire, for they would not go voluntarily. "To admit the inevitability of withdrawal from the Empire was one thing, but setting a date quite another," for the middle colony bloc feared both the loss of their favored position in the empire and the exposure of their future to Yankee exploitation.

Questions may arise because some points in the book are unclear. If the First Continental Congress unanimously endorsed the Suffolk Resolves, why is there no explanation of the New York and Pennsylvania delegates' opposition? The brevity of the book leaves much of the story untold. The factional infighting in the 1775 New York Assembly, for example, is too simply summarized. And the first New York Provincial Congress is barely mentioned despite its importance for illustrating New York's distinctive extra-legal movement. New York stands out because, unlike the other three colonies whose assemblies took action upon the First Continental Congress's measures, its assembly did not.

The argument that in 1775-76 Pennsylvania determined the sectional position of the middle colonies seems overbold and leads one to ask, "position on what? Colonial union? The activities of the Congress? The distrust of New Englanders?" What were the conditions attached to Congress's order to invade Canada, given in June 1775? What do the terms radical, conservative, and moderate mean? Neuenschwander has not carefully distinguished how these differed according to the use of various types of protest, ranging from petition through armed force to the act of independence. Is there any indication that the pace of the northern invasion (of Canada) in 1775 was related to the efforts of the middle colony bloc in Congress to ward off the drift toward independence? The expedition was justified as a means of bringing the mother country to the conference table.

If the British ministry never were able to see how sentiment in the middle colonies could be used to forestall or end the rebellion, never tried anything that really promised success, and could have attempted a truce or serious negotiation, why did not the middle colonies offer a truce or serious negotiation? Was all failure on the side of Great Britain and none on the colonists'?

It appears that conservatives' proclivity to hesitate does not equip them to fight more than holding or delaying actions. Thus, they remain at a disadvantage, reacting to challenges while their opponents enjoy the self-propelling advantage in initiating the challenges and pressing them to fulfillment. Bit by bit, as Neuenschwander shows, the moderates and conservatives were driven back in argument and in action. It is a sad story for those who by sentiment and good reason are attached to the glories and practical advantages of one of the greatest empires.

It is sad, too, for those who see the history of the American Revolution as something less than an unqualified triumph of liberty or the achievement of an allegedly better future for America. The disastrous consequences of independence may have been exaggerated by Dickinson, Duane, Wilson, and others, but no one should doubt that the radicals' optimism was likewise much exaggerated.

The University of Akron

DON R. GERLACH

Fundamental Testaments of the American Revolution. (Washington, D. C.: Library of Congress, 1973. Pp. vii, 119. \$3.50.)

This book includes the papers presented at the Symposium on the American Revolution held by the Library of Congress in May 1973. The second of five annual publications to commemorate the approaching Bicentennial, it opens with a graceful introduction by Julian Boyd who suggests that we can best honor the Revolutionary generation by trying to understand and emulate "its courage in accepting the vast responsibilities consequent upon transference of sovereignty from crown to citizen." (p. 3) Bernard Bailyn argues that the significance of Thomas Paine's *Common Sense* arises less from the moot question of its influence than from what it reveals about "the anger—born of resentment, frustration, hurt, and fear—that is an impelling force in every transforming revolution." (p. 22) Next, Cecelia Kenyon, after outlining the theoretical and pragmatic bases for the doctrine of natural rights embodied in the Declaration of Independence, perceptively analyzes Jefferson's attempts to "harmonize the new individualism with older concepts of justice and the common good. . . ." (p. 27) Merrill Jensen takes up the Articles of Confederation to emphasize the divisions among Americans over the proper role of a central government, and Richard B. Morris discusses various aspects of the Treaty of Paris of 1783 which appear to be particularly relevant in the light of contemporary questions. A distinguished journalist, James Russell Wiggins, then closes the volume by addressing himself to the question of how the Fundamental Testaments of the Revolution could be both timely and timeless.

His thoughtful answers, like the other essays here, will probably surprise few readers familiar with earlier works by these distinguished historians. Though a bit uneven, the present papers are individually stimulating and collectively symbiotic. Jensen comes very close to suggesting that the differences among Americans were sharp enough to make the United States an artificial creation of the Revolution, something "yoked by violence together." This point of view underscores how necessary it was for the Founding Fathers to "set their minds," as Cecelia Kenyon puts it, "to the task of becoming good craftsmen in the design and operation of the new system" of government. (p. 38) Speculating along this line, one might even postulate that, given the diversity of the United States, friction should have been the norm, that what has been aberrant is not conflict but consensus. From this perspective, it is amazing that Benjamin Rush was reasonably accurate and prescient in noting that whereas "the kingdoms of Europe have traveled into their present state of boasted tranquility through seas of blood[,] the republics of America are traveling into order and wise government only through a sea of blunders." Why blunders and conflict have not produced more blood is a question to which Kenyon and Morris supply partial answers: as Jefferson clearly understood, economic interest and foreign affairs could and should be bonds of internal unity. But these bulwarks to rationality can be easily swept aside by the kind of anger which made Paine want "to overwhelm and destroy." (p. 21)

The underlying question therefore seems to be, why has such rage been relatively rare in American history? Because the "margin for error" (p. 118) has diminished in the modern world, as Wiggins observed, the answer is of considerable importance; history has never been more relevant; and we need all the wisdom it can yield. It is therefore appropriate that the entire book, like Bailyn's part (which also appeared in the December 1973 issue of *American Heritage*), seems to be at least partially directed to the general reader. Hopefully, professional historians and laymen alike will try to emulate the intellectual perseverance as well as the courage of the Revolutionary generation in solving their respective problems. Certainly, the examples contained in this volume provide worthy models.

University of South Carolina

ROBERT M. WEIR

Sea of Glory: The Continental Navy Fights for Independence, 1775-1783. By Nathan Miller. (New York: David McKay Company, Inc., 1974. Pp. xi, 558. \$12.95.)

Myths perpetuate themselves. Each retelling plants the theme a little more securely until every listener must assume that there is nothing more to know. Thus the repetition of the names of the great land victories—Saratoga, Princeton, Eutaw Springs, Yorktown, the first skirmishes at Lexington, Concord, and Bunker Hill and above all, the testing ground at Valley Forge—has nearly convinced Americans in our time that the Revolution was won on dry land. Nathan Miller has now arrived in time to correct the record and complete the story.

This naval history of the Revolution is a welcome sight on the horizon as we enter the bicentennial cycle. If Americans of 1976 are to understand the conditions that confronted Americans of 1776, they must know more about the war at sea than has yet penetrated popular history books. Here then is a good, readable, careful, and balanced picture of life at sea in the period between 1775 and 1783. It is not too technical for the lay reader and not too bland for old salts. I warmly recommend it.

There is much loving detail. A footnote, for example, explains how sailors mark time aboard ship with eight bells in each four hour watch. It makes the text more complete for the landlubber, but it does not annoy the initiated. As a result, all of us finish with a better understanding of how the colonial navy lived, sailed, fought, and won. And that is what the book is all about.

Nathan Miller is a writer by profession. He has had reams of experience as a journalist and the reader can be glad of it. The dreary experiences we have all suffered in plowing through military histories are not repeated here. The narrative moves briskly and we are never left becalmed in a Sargasso Sea of tedious detail or trivia. With a journalist's instinct for the story, Miller has populated the book with the people who really wrote the story as they played their roles.

We can, of course, wish for a few things to be different. Marylanders searching the index for items of local interest will be disappointed at the paucity of the listings under "Maryland" and "Chesapeake." In fact, the text contains a number of references to events in Maryland or on the Bay, but the indexer has ignored them. This is, however, a minor defect and one that could be easily corrected in future editions.

The excellent format of the book makes it unusually appealing. A large number of well-chosen illustrations help to illuminate the chronicle. The print is good and the end papers unusually attractive and interesting.

The bibliography could serve as a chart for those who want to explore further the history of the victory at sea in the Revolution. It also suggests the buried treasure that may still lie undiscovered in the archives of our European allies and enemies in that conflict. I hope that one by-product of the book will be to stimulate further research in primary source records in Great Britain, France, the Netherlands, and Spain for still more original information about American sailors in revolt. But for the present, Nathan Miller has done a notable job of condensing the information now available about an eventful era into a single interesting volume that should have broad appeal and certainly has lasting value.

United States Senate

CHARLES MCC. MATHIAS, JR.

The Letters of William Lloyd Garrison. Volume III. No Union with Slave-Holders, 1841-1849.
Ed. Walter M. Merrill. (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1973. Pp. xxiii, 719. \$30.00.)

Generally it is a sound rule that a reviewer should assess a book in the light of the author's intent, not the reviewer's preference. Yet this reviewer must question the utility of so costly and complete an edition of William Lloyd Garrison's letters as that of which this volume is a part.

Garrison was, without question, important in the antislavery movement, critically so in the 1830s when he launched the *Liberator* and helped shape the crusade's course. In the 1840s, which this volume covers, and in the 1850s, however, the *Liberator* lost subscribers and the American Anti-Slavery Society, members. Garrison and his faction, though they still defined a radical stance, increasingly lost ground to religious abolitionism and political antislavery. By 1863 Garrison's role, even as a keeper of the national conscience, diminished rapidly when he argued that as soon as the Civil War was over, distinctive abolitionist activity would no longer be necessary. Thereafter, though he was a persistent defender of freedmen's liberty and equality, he no longer commanded a salient role.

What then of Garrison's papers? Does his career justify a complete edition of all the letters he wrote—including purely family communications? Are they crucial to studying his reform theories which are fully expounded in the *Liberator*? Do his letters by themselves, without the context which incoming correspondence supplies, reveal the complexity of antislavery activity? Probably not. Financial and organizational difficulties, for example, are explored in exchanges with Edmund Quincy and Maria Weston Chapman, keepers of antislavery society records and funds. The implications of New Hampshire anarchism are debated with its one-time exponents, Parker Pillsbury and Stephen S. Foster. And the nature of Garrison's links with British supporters can be fully understood only by reading Elizabeth Pease's and Richard D. Webb's letters as well as Garrison's.

Professor Merrill might, therefore, better have followed the example set by the G. H. Barnes and D. L. Dumond editions of the Weld-Grimké and J. G. Birney papers, published in the 1930s, which wisely included incoming letters. But he has chosen to print only Garrison's letters and all of Garrison's letters. To what purpose? To enable students to understand the dynamics of Garrisonianism? Not very well, for the letters comprise only half the record. To present the fine art of letter-writing? Scarcely, for as a journalist, Garrison put his best effort into the *Liberator*. To produce a documentary biography? Garrison was much better served by his children's four volume life and letters, published in the 1880s, which drew on a variety of sources.

Indeed, the more one contemplates this handsomely printed volume, the more one recalls Edmund Wilson's 1968 strictures on the Modern Language Association editions of American literary classics. Merrill's editing resembles the scholastic pedantry which Wilson so abhorred. No quotation or allusion to the Bible or Shakespeare, to Milton or Byron goes unnoted—and Garrison was a compulsive quoter. At the same time the reader unfamiliar with the intricacies of antislavery infighting will miss the import of key documents, because the editor supplies no adequate context. Characteristic is the letter appointing David Lee Child editor of the *National Anti-Slavery Standard*. The notes fail to say that Child was replacing his distinguished wife, Lydia Maria Child, whom the American Anti-Slavery Society Executive Committee had found ideologically wanting or that, still more important, the editorial upheaval was only part of a maneuver by which complete control of the American Anti-Slavery Society was moved to Boston and placed exclusively in the hands of Garrisonians.

In the stead of such necessary information, we are told that the image of a dog in the manger is drawn from Aesop (p. 286); that it was Patrick Henry who said, "If this be treason, make the most of it" (p. 279); and that the Acts of the Apostles inform us "it is more blessed to give than to receive." (p. 296) Some of the information not so easily found in concordances and books of familiar quotations is, moreover, inaccurate. Abby Kelley, for instance, referred not to the National Convention of Colored Citizens when she wrote about an 1843 Buffalo convention but to a Liberty Party Convention held in that city shortly after the race convention. (p. 199) And when Garrison alluded to "my esteemed friends in Chauncey Place," he was not referring generally to a neighborhood but specifically to the Henry Chapman family, early antislavery supporters. (p. 173) Although of minor importance, such substantive inaccuracies combined with superfluous citations for literary allusions, suggest inattention to the purpose of historical editing.

The question persists. To what purpose this edition of Garrison's letters?

University of Maine, Orono

JANE H. PEASE

A Matter of Allegiances: Maryland From 1850 to 1861. By William J. Evitts. (Baltimore: The Johns Hopkins University Press, 1974. Pp. xii, 212. \$11.00)

Scholars who have concerned themselves either directly or even remotely with the antebellum politics of Maryland have long recognized the great need for a monograph on the subject. In recent years several key studies have been published, largely dealing with Maryland politics during the last four decades of the nineteenth century. William J. Evitts's book is the first modern one to focus solely on the state's prewar politics—more specifically on the turbulent and critical decade of the 1850s. Solidly researched and lucidly written, Evitts's study will help considerably to fill the gap in Maryland's antebellum historical literature as those by Wagandt, Callcott, and Baker have done for the later period.

Evitts, an associate professor of history and chairman of the department of American Studies at Hollins College, Virginia, maintains that the purpose of his book is not simply to present a chronicle of political events and party realignments during the explosive fifties. Instead, as the author puts it, his study is "political history in a certain specialized sense—political history seen as a rather precise kind of social history. It looks much more at the populace than at the politicians, because politics is valued here not as an end in itself, but for what it can tell about a diverse group of Americans called Marylanders in a troubled time." (p. 2) Given his objective, Evitts succeeds admirably.

The citizens of Maryland were indeed a divided people. Those residing in the southern counties and the Eastern Shore, wedded to the stagnant traditions of the Old South, saw things quite differently from Marylanders in the northern and western counties, committed to a new, dynamic northern-style economy with its center in Baltimore. Within this conflicting geographical framework, Marylanders had to wrestle with all the volatile issues of the 1850s—immigration, nativism, violence, urban growth, industrialization, and, most importantly, slavery and sectional allegiance. Above all, it was the quest for allegiance—either to side with the North or the South in the sectional conflict—which was paramount in the minds of most Marylanders, and what Evitts calls the “underlying theme” of his book. Between 1850 and 1861, the citizens of this pivotal border state tried desperately to avoid making a choice between North and South, as indicated by their voting returns in the Presidential elections of 1856 and 1860 as well as by their reactions to such national issues as the Compromise of 1850, the Kansas-Nebraska Act, and John Brown’s raid. Even after hostilities began, Marylanders tried to steer a middle course and evade the question of allegiance by espousing the mythical position of “armed neutrality.” In the end Maryland remained in the Union, not because of any one man’s efforts—although Governor Thomas Hicks, Congressman Henry Winter Davis, and President Lincoln all played significant roles in keeping the state loyal—but because, as Evitts suggests in concurrence with other scholars, Maryland by 1861 “had evolved into a pattern of life so different from that of the Southern states that secession was never more than a distant possibility.” (p. 190)

Aside from these general themes, Evitts makes several additional points worth noting. For one thing, he dispels the myth that the Maryland Know-Nothing party was simply “Whiggery reincarnate.” (p. 81) Relying heavily on Jean Baker’s as yet unpublished M. A. thesis, Evitts convincingly proves that the American party’s composition should be viewed in social, occupational, and geographical terms rather than along partisan lines. For example, the nativist appeal was strong among middle-class Protestants who welcomed the party’s emphasis on republican virtue and moderation (particularly on the slavery issue), and who felt threatened by change, foreigners, and sectional discord. Moreover, the movement attracted a large proportion of businessmen, and tended to have greater success among town dwellers as opposed to rural voters. And finally, because of its middle-of-the-road stance on slavery, those opposed or indifferent to the “peculiar institution” generally embraced Know-Nothingism, while large-scale slaveholders (many of whom were former Whigs) shifted their support to the Democratic party.

Evitts’s explanation of why John Bell lost Maryland in the election of 1860 is another important contribution which should not be overlooked. Bell, the Constitutional Unionist candidate for president, clearly represented the majority sentiment in the state. Yet he lost to the pro-secessionist Democrat, John Breckinridge. According to Evitts, Bell’s defeat must be seen as a negative reaction to nativism. In 1860 the Democrats in Maryland represented the forces of reform while the Constitutional Unionists were identified with the corruption and violence of Know-Nothingism. In short, the outcome of the election was determined by local rather than national issues.

As is most often the case, some minor mistakes have escaped the author’s attention. To cite one example: Henry W. Hoffman, not S. Owings Hoffman, was elected sergeant at arms of the House in the Thirty-Sixth Congress. (p. 138) Perhaps of greater import are what I would consider errors of omission. Surprisingly, Evitts makes no mention of Maryland’s reaction to the Dred Scott decision or to the debate on the Lecompton Constitution. In the case of the

former, it is all the more unfortunate since the author of the decision, Chief Justice Roger B. Taney, was one of Maryland's most prominent citizens.

The above correctives, however, should in no way detract from what is a highly impressive study. Using a wide variety of sources—newspapers, manuscripts, census returns, and a host of secondary works—Evitts presents a fast moving and informative narrative. Included also are numerous maps and statistical tables, all of which are readable and helpful. In sum, this is an important book and should prove rewarding to all those interested in Maryland's tumultuous political life in the decade just before the Civil War.

California State University, Hayward

GERALD S. HENIG

The Southern Dream of a Caribbean Empire, 1854–1861. By Robert E. May. (Baton Rouge: Louisiana State University Press, 1973. Pp. x, 286. \$10.00.)

The expansionist impulse of the South in its desire for additional room for the extension of slavery and for added slaves states to balance the North has been widely investigated for some time. Most students of the history of the period are at least aware of the Ostend Manifesto, the Lopez expeditions to Cuba, and the efforts of William Walker in Nicaragua, if not of the many other abortive attempts to expand the limits of the United States southward. Professor May has made a significant contribution to the vast literature on both expansionism and the sectional conflict by bringing together in one place much of the diverse literature on these two topics. In addition he has utilized extensive correspondence and newspaper accounts to bolster his thesis that expansionism became an almost exclusively southern impulse after 1854 and played an instrumental part in the increasing sectional conflict which led to the dissolution of the Union. Northern efforts to check the spread of slavery by stopping Caribbean expansion, May feels, added to the desire of the South to gain just these territories and their inability to do so exacerbated the sectional conflict.

This expansion of May's doctoral dissertation (Wisconsin, 1969) suffers from a common fault of such works in that he has tended to overstate his thesis and to give great weight to those materials which support this view while tending to ignore or downplay opposing views. While taking some historians of the South and the period to task for downgrading or almost wholly ignoring the importance of the expansionist movement in the South (notably Clement Eaton and Avery Craven), the author tends to go in the other direction and overemphasize both southern interest in, and support for, expansionism and filibustering, while understating continued northern support, particularly for the purchase of Cuba, and for Lopez and Walker.

It is true that there was a great deal of support for expansion and filibustering in the South during the 1850s, and indeed Lopez only gained enough contributions and volunteers to initiate actual operations after moving his base from New York to New Orleans, but this support was not strictly southern nor were southern contributions overwhelming. Lopez's efforts were, of course, during the period when May sees expansionism as still a national movement, but the Walker expeditions to Central America fall after 1854 and should bear out his thesis of southern expansionism and northern indifference or active opposition. Instead it can be seen that Walker received strong support throughout the country in his initial expedition to Nicaragua. Northern newspapers extensively supported his activities and recruits for him came from all sections, although it is true that the South contributed more extensively than other

sections. Whether this is indicative of southern expansionism or merely a reflection of its militarism and participation in adventuring previous to, and after, the Civil War is a moot point. After Walker issued his decree reestablishing slavery in Nicaragua, northern support dropped considerably, but it was still significant even then. Also there was no unanimity of support for Walker in the South. A large anti-expansionist group existed, particularly in the Upper South, and, although Walker talked to large crowds on his southern tour, support was not overwhelming. Each expedition attracted less support even in Mobile and New Orleans, traditionally hotbeds of expansionism.

In regard to expansionist designs on Mexico, May himself admits that they were not sectionally oriented and has to rely on the dubious plans of George Bickley and his Knights of the Golden Circle for evidence of strong southern support for a takeover of that country. Although Bickley received a great deal of publicity, this was never a serious effort with widespread southern support.

As the sectional conflict increased with Republican growth in the late 1850s, there is more evidence of a strong sectional split over expansion, although even in 1859 the debate on the purchase of Cuba was largely factional rather than regional with northern Democrats refusing to join Republicans in opposing the bill. May's emphasis on the southern expansionist as a major, if not paramount, factor in the secession crisis is again overplayed. Northern opposition to filibustering, if not annexation of all Caribbean lands, certainly irritated many southerners who were to be leading figures in the Confederacy and was certainly a factor in the crisis, but it was merely one among many. A great number of southerners, other than expansionists, who were opposed to secession chose ultimately to support the Confederacy out of state or sectional loyalty. That men such as Slidell, Soule, Stephens, Davis, and other expansionists chose to do so was not surprising.

In spite of the comments above, this is a valuable and very readable book. It is copiously footnoted, contains an extensive and comprehensive bibliography, and is well-indexed. For those interested in expansion and southern involvement in the movement, this is a valuable publication.

Wichita State University

RANDALL O. HUDSON

The Glorious Enterprise: The Centennial Exhibition of 1876 and H. J. Schwarzmann, Architect-In-Chief. By John Maass. (Watkins Glen, N.Y.: American Life Foundation, 1973. Pp. 156. \$15.00.)

The success of *The Glorious Enterprise* lies in the unique approach John Maass has taken to a subject which could easily have been overworked. In reviewing the 1876 Centennial Exposition, the author chose not to explore the day-by-day events or even record the many individual displays and demonstrations occurring at the Centennial, although this aspect is not neglected. Instead, the author utilized the Centennial as a mirror of the society from which it sprang. Researching the book must have been an author's dream, for the Centennial was one of the most thoroughly documented events in American history, yet virtually nothing of significance had been published about it for almost a century. In addition, Mr. Maass was to uncover a forgotten genius in the Architect-in-Chief of the project, H. J. Schwarzmann.

The relevance of the Centennial stems from the fact that it commemorated one hundred years of American progress. Although the damming of history into centuries is illogical, the historical

significance of the celebrations of centuries cannot be ignored. The manner in which we chose to display the best we had to offer in 1876 provides a marvelous insight into Victorian America. How we presented ourselves to the rest of the world and their subsequent reaction to a country, still new though emerging as a world power, makes *The Glorious Enterprise* good reading for historians and the general public alike.

Particularly interesting is the biography of the German-born immigrant, Schwarzmann, and his many accomplishments in the short span of four years that he worked with the Exposition. A relatively unaccomplished architect before and after his "glorious enterprise," Schwarzmann comes through the Exposition a hero. In just under two years he landscaped 285 acres of fields, swamps, and ravines into building lots and gardens. He was the architect for two of the five principal buildings, Memorial Hall and Horticultural Hall, as well as several secondary buildings, among them the German Pavilion, the Women's Pavilion, and the last-minute Art Annex, constructed when Memorial Hall proved too small to house the many artworks arriving from other countries. His design for Horticultural Hall won the praise of professionals and public alike. Memorial Hall became the prototype for the Reichstag Building in Berlin. The Art Annex won an award for architectural excellence. Yet, following the Centennial, Schwarzmann slipped into obscurity and lived, unrecognized, in New York working for a small architectural firm. Of the many buildings erected for the Centennial, only Memorial Hall stands in place. Horticultural Hall, which the author describes as "the greatest Victorian building of its kind," was demolished in 1955, the result of a lack of public concern and a general disinterest in Victorian architecture. Had it not been for the author's concern in recording the most important man of the Centennial exhibition, precious little would remain to bring his work to light.

Plans for the Centennial began with an impressive ceremony and a presidential proclamation announcing "the forthcoming Exhibition of the world." It was to be an exhibition celebrating the ingenuity and practicality of the American people in the midst of a tremendous surge of technological advancement. It was the steam age, the year of Custer's Last Stand, and the first public demonstration of the telephone. With the emphasis on American works in 1876, the European monopoly on the arts was clearly at an end. For many, it was the first contact with their own or a foreign culture and it was indeed a time of celebration.

The investigation of this celebration, therefore, provides an excellent survey of the American lifestyle of the 1870s. The author has chosen his chapters well, including such discussions as the preliminary planning, the function of women in the Exposition, and a chapter entitled "The Architectural Historians" in which misconceptions perpetuated by architectural historians writing about the event at various times are refuted.

The author makes good use of quotations to relay the spirit of visitors to the Centennial. T. H. Huxley, on his trip to the United States to deliver the inaugural address at the new Johns Hopkins University, is quoted after his visit to the Centennial as saying: "I cannot say that I am in the slightest degree impressed by your bigness, or your material resources, as such. Size is not grandeur. . . . The great issue . . . is what are you going to do with all of these things?" Such first-hand reactions make the Centennial real and help to capture the essence of the event in a way not otherwise possible. Quotes by Mrs. Elizabeth Duane Gillespie, President of the Women's Centennial Executive Committee, reveal the struggle, even then, for women's rights.

One of the most exciting aspects of this book for readers is being made aware of the many things which grew out of the Centennial. The Centennial Exposition produced the Dewey Decimal System, displayed the early works of Louis Comfort Tiffany as a watercolorist, and brought public recognition to Edison. There is much more, and this is one book in which the footnotes can be as fascinating as the general text.

The Glorious Enterprise is a most interestingly handled documentation of the event with the exception of the illustrations. A subject which lends itself so well to pictorial study needs something more than what is contained. The volume, designed by Mr. Maass, is quite attractive, but I found that the illustrations were not used to their best advantage. The secondary illustrations, at the end of each chapter, were captioned not underneath, but at the end of the book. The major illustrations, en masse at the center, resulted in constant paging and interruption to view each illustrated item. Furthermore, the choice of illustrations from the many which were available to the author seems inadequate. A full-page photograph (taken by the author) of the gravestone of H. J. Schwarzmann is unnecessarily wasteful. The bibliography provides a lengthy list of references: guide books, official documents, souvenir volumes, reports, and numerous pictorial folios. The Centennial period was the height of the art of book illustration and reproductive engravings. Shortly afterwards, with the use of photography, these marvelous works became scarce and eventually vanished. Considering the many fine engravings and woodcuts depicting the event, this book could have been vastly improved with a different selection and better placement of the illustrations. The author's excellent description of many of the exceptional items leaves the reader yearning for a picture. The book prompted me to look further for these items, so perhaps even this small criticism can be called one of the book's triumphs.

This is a pertinent book in many respects and there are many parallels with the present to be found. In light of the forthcoming Bicentennial Exhibition which, unlike the Centennial, will glorify the past, this book holds an important message. Unfortunately, I have to agree with Mr. Maass that the two-hundredth anniversary of the founding of our nation will lack the enthusiasm and confidence in our country that was generated a century ago.

Maryland Historical Society

DOROTHY GLIDDEN

Heritage of Excellence: The Johns Hopkins Medical Institutions. 1914-1947. By Thomas B. Turner, M.D. (Baltimore: The Johns Hopkins University Press, 1974. Pp. viii, 648. \$17.50.)*

Chesney in his three-volume chronicle has recounted the origin and development of The Johns Hopkins School of Medicine and Hospital, up to 1914. During this time period, in a mere quarter of a century, an indelible mark of excellence had been made in Baltimore. Innovative, often revolutionary changes in medical education and research, often viewed unkindly and with skepticism, proved sound and were imitated at other medical establishments. The first university hospital in America was successful and had become world renowned.

Dr. Turner, Dean Emeritus of the School of Medicine, now lengthens the history of Hopkins. In his volume, *Heritage of Excellence*, a phrase borrowed from Alan Gregg's address at the Welch centenary memorial, the author picks up the threads of history where the late Dr. Chesney ended his chronicle. The present volume covers the period from 1914 to 1947. Hopkins by adoption, Turner obviously has become imbued with the spirit of the Hopkins institutions and indeed is no less enthusiastic over and appreciative of the fine traditions than his predecessor, a native son in every sense. As a faculty member for many years and dean from 1957 to 1968, the author has been a participant in many of the events he relates, but he exercises reasonable objectivity in his analyses. The minutes of the various governing Boards, Trustees

* Reprinted from *The Johns Hopkins Medical Journal*, 135 (September 1974).

meetings, committee discussions, letters, and other documents have provided factual material for the historian but these data have been supplemented freely by personal accounts of the happenings. Meticulously, Turner has gathered pertinent information from every available source, has documented every scrap of it, and has put it together precisely, yet with an easy style. Since many eye witnesses are still alive and will read this volume only to recall the events in this time period, the author undoubtedly was well aware that he was compiling contemporary history and fully cognizant of the necessity for double check. The exceedingly comprehensive writing was indeed a labor of love, one admirably executed. Further he has included extensive appendixes for those desiring even more detailed data and has provided a good index.

Two world wars with their inevitable aftermath and the great depression between them did exert a profound impact on the Hopkins. Adoption of the full-time system, though by no means unanimously accepted by the Hopkins faculty and staff, was temporarily delayed by world events. The value is evidenced perhaps by its incorporation in other medical institutions. The Hopkins participation in both wars is described in detail, not only the active military service of the staff but also the contributions of the faculty in the activities of the National Research Council and in other areas. The postwar social changes and the expansion of the medical establishment are considered generally and specifically. This narrative has been divided arbitrarily into time periods and the several concomitant happenings in the university, in the hospital, in the preclinical and in the clinical areas have been skillfully interwoven, maintaining a nice continuity. Turner has emphasized the integrated relationship of the sister institutions, the university and the hospital, two separate corporations, with faculty having dual appointments and physical facilities jointly shared, actually an inseparable and often confusing arrangement. He has reviewed the developments and progress, or lack of it, in the teaching programs, as well as the improvements in the wards and the laboratories, detailing the activities of the individual departments and indicating their strengths and their weaknesses. The School of Hygiene and Public Health and the Welch Library opened in the period covered in this volume and these additions led to the term "the Johns Hopkins Medical Institutions." Establishment of the Wilmer Ophthalmological Institute and the Institute of the History of Medicine were important landmarks.

The character and the personality of the members of the faculty reflect in the structure and operation of Hopkins, especially in the architects of change. Brief biographical sketches provide an insight into the story behind the story. Turner, like others, laments the departure of the established first faculty and describes the second generation with clarity. He points out the emphasis on youth in the selection of replacements, a feature unique to Hopkins from the start. There is a reserved reverence for the author's heroes, and he makes no effort to conceal his profound admiration of these individuals. This is good. He gives good descriptions of features often omitted in formal presentations, namely, the doctors' dining room, the jubilant effervescence of the medical students and the house staff, and many other points. These enliven the volume and add to the pleasure of its reading. The spirit of the institutions thus is felt, and is appreciated. The absolute insistence upon excellence is never overlooked, and, despite certain vicissitudes, the Hopkins emerges as a giant in all aspects of medicine. Proof of this is offered in dealing with the financial support of the institutions, though at times this support was precarious. In a very interesting way the author indicates the changing pattern of financing research— individual, corporate, foundations, and finally the elaborate federal funding.

In Chapter 22, "Retrospective Overview," the author is perhaps at his best. Here he analyzes the events during the thirty years covered in his book but more importantly he gives his own appraisal of their significance. He does not fail to see the shortcomings, the several areas in

need of improvement, nor the developing problems on the horizon. He notes "that no serious attempt has been made to assess the results of research in critical fashion," and though he advances cogent reasons for his stance, it is regrettable that he did not proceed further. Moreover, it appears to this reader that greater emphasis might have been placed on the contributions of the Hopkins to the faculties and staffs of other medical institutions. This has been documented by Shyrock, and perhaps Turner considered reference to Shyrock's volume to be adequate.

To all those professionals interested in medical education and research, the *Heritage of Excellence* is a goldmine of information. To the non-professional it will reflect continuing selfless service to the sick, service to Baltimore, to Maryland, and indeed to the nation. The volume, comprehensive though it is, is thoroughly enjoyable. This reader would like to express the hope that Dr. Turner may be persuaded to write of the period from 1947 to the hundredth anniversary of the founding of the Hopkins University.

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R. CARMICHAEL TILGHMAN, M.D.

Records of the Columbia Historical Society of Washington, D.C., 1971-1972. Edited with introduction by Francis Coleman Rosenberger. (Charlottesville: University Press of Virginia for the Columbia Historical Society, 1973. Pp. xxvi, 846. \$20.00.)

This is a hefty, but delightful volume, the forty-eighth of the Columbia Historical Society's *Records*. No wonder its editor for the past decade, Francis Coleman Rosenberger, received in 1971 a special commendation by the American Association for State and Local History for his scholarly editing. Under his auspices, the *Records* have attained an enviable place, not so shallow as *American Heritage* nor so deep as the *American Historical Review*.

The chronological range of this volume is from the eve of the American Revolution to 1972. Among the three dozen essays, there is almost enough to provide something for everybody—and by recognized authorities both on great men and issues and on local curiosities. Saving their heavier expertise for publication elsewhere, they here provide an urbane, thriftily footnoted underview instead of a prolix and pedantic overview.

There are twelve architectural or artistic essays: Edward C. Carter II's "Benjamin Henry Latrobe and Washington," Tanya E. Beauchamp's "Adolph Cluss in Washington," Francis R. Kowsky's "Gallaudet College: A High Victorian Campus," Gail K. Kassan's "The Old Post Office Building," and Ellen R. Epstein's "The East and West West Wing of the White House." Charles Merrill Mount has contributed three essays: "Gilbert Stuart in Washington," "Claude Monet's 'The Bridge at Argenteuil' at the National Gallery of Art in Washington," and "John Singer Sargeant at the White House." Andrew S. Keck's essay toasts "Clark Mills' Equestrian Statue of Andrew Jackson." Michael Richman's "Daniel Chester French's Statue of Lewis Cass," Francis Coleman Rosenberger's "Washington's Jim Berryman, 1902-1971: Cartoons of Senator Dirksen," and Paul Boswell's commentary and own "Portfolio of Washington Drawings" round out this category.

Three educational institutions receive their due in Elmer L. Kayser's "Columbian Academy,

1821-1897," in Maxwell Bloomfield's "John M. Langston and The Rise of Harvard Law School," and in John Y. Cole's "Ainsworth Rand Spofford and the Library of Congress."

Six neighborhood histories are found in Mary E. Curry's "Theodore Roosevelt Island," Louis F. Gorr's "Foxall-Columbia Foundry," Mary Mitchell's "Kalorama: Country Estate to Washington Mayfair," James Borchert's "Washington's Inhabited Alleys," Edwin D. Nye's "Washington's Forty Boundary Stones," and Mathilde D. Williams' "Georgetown—A Continuing Battle."

There are two excellent essays in black history: Melvin R. Williams' "A Blueprint for Change: The Black Community, 1860-1870," and Martin K. Gordon's "The Black Militia in D.C., 1867-1898."

In addition, there are eleven excellent biographical and topical essays not falling into the above categories: William M. Kelso's "Shipbuilding in Virginia, 1763-1774," Richard Mannix's "Albert Gallatin in Washington, 1801-1813," David K. Sullivan's "The District Penitentiary, 1831-1862," Roger Meersman and Robert Boyer's "The National Theatre in Washington, D.C., 1835-1972," Benjamin F. Cooling's "Defending Washington During the Civil War," William M. Maury's "A. R. Shepherd and the Board of Public Works," Sidney R. Bland's "Alice Paul and the Great Suffrage Parade of 1913," Benis M. Frank's "The Relief of General Barnett," Arthur Hecht's "Flowers to Gladden the City," Jesse "Nip" Winters and John Holway's "Baseball Reminiscences," and Albert W. Atwood's "Reminiscences."

The black and white illustrations are liberal in quantity and fine in quality. The whole is given a good index.

Finally, it must be said that even the most light-hearted of these essays is important local history. And who is there to say that Washington's history is not measurably national?

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GEORGE GREEN SHACKELFORD

The Lighthouses of the Chesapeake. By Robert de Gast. (Baltimore: The Johns Hopkins University Press, 1973. Pp. 173. \$12.50.)

Robert de Gast has produced an interesting, beautiful, and valuable work. His extensive research among the records of the various Chesapeake Bay lighthouse agencies has resulted in an interesting history of the seventy-four bay lighthouses. The result of Mr. de Gast's efforts is a significant record of all seventy-four structures. The author's photographs of the thirty-two extant lighthouses arouses regret that Mr. de Gast and his camera were not available in time to capture all seventy-four.

While his succinct historical summaries are primarily based upon his research in the National Archives, the author does add bits of interesting local color gleaned from newspaper accounts and personal interviews. Also, included with each entry is a small segment of a current Chesapeake Bay chart which pinpoints the location of each particular lighthouse. However, a slightly larger section from the chart would have been a better help to the reader unversed in the intricacies of navigation.

The major part of this work is devoted to Mr. de Gast's photography. Because of his photographic ability, the pictures are examples of visual splendor. A person who is more interested in the details of lighthouse construction may be disappointed with Mr. de Gast's preoccupation with light-effects. In general, however, beauty and joy are the results.

Altogether, the book is a must for anyone interested in the architectural aspects of Bay culture. The quality of *The Lighthouses of the Chesapeake* inspires the hope that Mr. de Gast will use his photographer's eye to select other artists' pictures which portray the forty-two destroyed lighthouses that he was unable to capture with his own camera.

Maryland Historical Society

FERDINAND E. CHATARD

The United States Capitol: An Annotated Bibliography. Compiled and edited by John R. Kerwood with the assistance of Patricia E. Cline, Mary F. Organ and Eileen M. Bartscher. Foreword by Henry Steele Commager. (Norman: University of Oklahoma Press in co-operation with the United States Capitol Historical Society, 1973. Pp. xvii, 448. \$25.00.)

I suppose there would be general agreement that the single most historic building in the United States is the Capitol in Washington. Planned by the founders of the Republic, engaging the energies of a number of architects over the years, embellished with a variety of art, the scene of the deliberations of the House and Senate and for some years of the Supreme Court, its silhouette is today a symbol of the government of the United States which is recognized throughout the world.

A dozen years ago the newly organized United States Capitol Historical Society considered the preparation of a history of the Capitol. Appalled by the number of public documents, periodical articles, and books dealing with the Capitol, of which nothing like an adequate bibliography existed, the Society turned its attention to the preparation of a bibliography. The volume at hand, ably compiled and edited by John R. Kerwood with the assistance of Patricia E. Cline, Mary F. Organ, and Eileen M. Bartscher, with an engaging Foreword by Henry Steele Commager, and handsomely printed by the University of Oklahoma Press for the Society, is the useful product of that decision.

The bibliography contains a total of 2,290 entries. Only publications dated 1970 and earlier are included. The annotation is concise and for the most part is descriptive rather than critical. The arrangement is alphabetical by author and, in the absence of an author, by title. The bulk of the entries come from the Congressional serial set—House and Senate documents, reports, miscellaneous and executive documents—and where these involve periodic reports over a span of time the arrangement is chronological. Some newspaper items are included. Not included is material in the *Congressional Record* and its predecessor the *Globe*, Congressional committee hearings, the *Statutes at Large*, and some other government publications. I have found no book or article with which I am familiar omitted (except those published since 1970) and none whose annotation is misleading.

The United States Capitol: An Annotated Bibliography is an impressive beginning in scholarly publication by the United States Capitol Historical Society. One may hope that it will be only the first volume in a sustained program of scholarly publication by the Society.

Columbia Historical Society
Washington, D. C.

FRANCIS COLEMAN ROSENBERGER

BOOK NOTES

English Convicts in Colonial America, v. 1, Middlesex: 1617-1775. By Peter W. Coldham. (New Orleans: Polyanthos, 1974. Pp. xx, 301. \$10.00.) For those who are sure they come from a noble British line, it may come as a shock to find that in reality they descend from a convict who was transported from England to America. Middlesex, the county enclosing the City of London, probably accounts for about one third of the 90,000 who were sent to America, and Mr. Coldham has listed in alphabetical order over 12,000 individuals who were forcibly transported. The information given is intended as a key to sources from which detailed information can be obtained. To be sure, the theft of a handkerchief could cause conviction and banishment, and there is little doubt that judges of the period, the 17th and 18th centuries, were vicious and punitive. The list includes a useful introduction and a list of transport ships to the American colonies, 1617-1775. It is a very necessary reference book in any history and genealogy collection. [P. William Filby]

The Genealogical Publishing Company of Baltimore has done scholars and genealogists a signal service by bringing back into print the great Quaker series, William Wade Hinshaw's *Encyclopedia of American Quaker Genealogy*. The six volumes were originally published from 1936 to 1950 and all have been long out of print. V. 1 concerns the North Carolina Yearly Meeting of Friends; v. 2, New Jersey and Pennsylvania; v. 3, New York; v. 4-5, Ohio, and v. 6, Virginia. All contain "every item of genealogical value found in all records and minutes of (Friends') Meetings," and the period covered is 1660-1930s. There are well over half a million entries occupying over 6,000 pages. The six volumes cost \$270 per set, and each volume is priced between \$25 and \$55. From Genealogical Publishing Co., 521 St. Paul Place, Baltimore, Md. 21202. (It should be mentioned also that Willard Heiss has continued the work with vol. 7 in 4 parts, pertaining to Indiana, and available from the Indiana Historical Society, Indianapolis.) [P. William Filby]

Wills and Where to Find Them (in Great Britain). Compiled and ed. by Jeremy Gibson. (Baltimore: Genealogical Pub. Co., 1974. Pp. xxii, 210. \$15.00.) For many years Bouwens' work on English wills was a standard publication, and in 1963 Anthony Camp extended and revised it because of the many changes in location which had taken place and because of the discovery of so many new caches of records. For a decade Camp was an indispensable guide to wills in Great Britain. But this in turn has needed updating and it is understood that such a revision by Camp is about to appear. Meanwhile Jeremy Gibson had toured many of the repositories and he has produced an exhaustive guide to the location of wills in courts of jurisdiction, both local and ecclesiastical, and other repositories. The area covered consists of the historic counties of England, Wales, Scotland, and Ireland, as well as the Channel Islands and the Isle of Man. There are outline maps showing the boundaries of the court jurisdictions. Since anyone wishing to work in British genealogy cannot do so without knowing the location of records, this book is essential to all British researchers and of course needed in every library of consequence. [P. William Filby]

Long considered the genealogists' primer, Dr. Gilbert H. Doane's *Searching For Your Ancestors* (Minneapolis: University of Minnesota Press, 1974. Pp. 212. \$5.95.) now appears in its fourth edition. This basic text has been revised only slightly to include some suggestions for

research in Black and Indian genealogy. The bibliographies remain the same as in previous editions but with the added suggestion that the reader should make use of *American and British Genealogy and Heraldry* by P. William Filby (Chicago: American Library Assoc., 1970). In addition to being one of the better texts for beginners, it is also highly readable, as Dr. Doane writes with charm and humor as well as with authority. [Mary K. Meyer]

William Howard, Last Colonial Owner of Ocracoke Island, North Carolina, His Family and Descendants. By Dora Adele Padgett. (Washington, D. C.: Published for the author, 8 E. Interwood Pl., Cincinnati, Ohio 45220, 1974. Pp. 117.) In addition to a brief family genealogy, Ms. Padgett has given us a fine compact history of Ocracoke Island. Ms. Padgett writes well and with a great deal of restraint in attempting to identify her subject, a trait that might well be emulated by other genealogists. The possibility of a connection between her subject family and the Maryland Howards is especially low keyed, and one could wish she had explored this theme in more depth. Our only criticism lies with Ms. Padgett's incomplete bibliographical citations and the numbering system used. Although the latter should not prove to be any great inconvenience to the reader, the former could create some difficulty for future researchers. The book is handsomely designed, tastefully illustrated, and printed on good quality paper—in all most attractive. [Mary K. Meyer]

American Sailing Coasters of the North Atlantic. By Paul C. Morris. (Chardon, Ohio: Bloch and Osborn Publishing Co., 1973. Pp. xvi, 224. \$29.75.) In *American Sailing Coasters* Mr. Morris presents a survey of the many sailing vessels that plied America's east coastal waters. Unfortunately, the author's information is primarily based upon secondary sources and his text lacks analysis of the growth and decline of the coastwise sailing trade. Instead of analysis and interpretation, the reader confronts a compendium of facts interspersed with an occasional sidelight. In addition to the text, there are two appendices which offer historical and statistical information about the schooners of at least five masts. The most valuable aspect of this book is the section of 120 photographs of coasters. Although many of these photographs are published for the first time in this book, the worth of their publication is limited by poor techniques of reproduction. These inadequate reproductions and the mediocre text do not justify the substantial price. [Ferdinand E. Chatard]

Colonial Silver. By R. Hammond Gibson. (St. Michael's, Maryland: The Chesapeake Bay Maritime Museum, 1973. Pp. 29. \$2.50.) In *Colonial Silver*, Mr. Gibson presents the economic problems and transportational hazards involved in the trade between Colonial America, Europe, and the West Indies. Rather than silver coins, the major emphasis of the book is upon specific vessels used in colonial trade and the types of sailing craft these vessels represented. In addition to this information, builders, owners, and captains are mentioned. This publication of the Chesapeake Bay Maritime Museum is illustrated with the author's drawings and with photographs of his model of the armed merchantman *Reprisal*. [Ferdinand E. Chatard]

The American Revolution 1775-1783: An Atlas of 18th Century Maps and Charts; Theatres of Operations. Compiled by W. Bart Greenwood. (Washington, D. C.: Naval History Division, Department of the Navy, 1972. Pp. vii, 85. Portfolio of twenty large plates. \$8.50.) This Naval History Division publication consists of twenty 18" x 23" reproductions of nautical charts and a booklet of information related to the charts. The collection of charts, compiled from the

repositories of cooperating libraries, delineate the North Atlantic Ocean with special emphasis on the east coast of the present United States. Because these charts are contemporary to the American War for Independence, they are better than modern charts for interpreting the Revolution's naval operations. The accompanying booklet contains an interesting sixteen page essay by Professor Louis De Vorsey. In this essay, Professor De Vorsey outlines the evolution of the cartographic techniques used by mid eighteenth century navigators. Also included in the booklet is a gazeteer that can be used in coordination with the twenty charts. Fortunately, in the compilation of this index Navy Department librarian Miss B. A. Lynch has chosen to include variant spellings and alternate names of places. The booklet contains three other sections: a list of the twenty maps and charts, a list of the sources of the maps and charts, a selected bibliography. The Librarian and staff of the Navy Department Library have done an admirable job in the preparation of this needed research tool. However their work was flawed by the Government Printing Office. By printing the charts on thin paper, their usefulness is reduced. Also, in the review copy, plate 19 was duplicated while plate 20 was missing. Despite these relatively minor errors, *The American Revolution 1775-1783* deserves great praise. [Ferdinand E. Chatard]

Travels in North America, 1822-1824. By Paul Wilhelm, Duke of Wurttemberg. Translated by W. Robert Nitske, edited by Savoie Lottinville. *The American Exploration and Travel Series*, Vol. 63. (Norman: University of Oklahoma Press, 1973. Pp. 456. \$20.00.) In October 1822 a young German nobleman arrived in Louisiana eager to explore the interior of the continent. After a brief sojourn in Cuba he returned to New Orleans, proceeded by riverboat to Louisville, retraced his path to St. Louis, and then journeyed up the Missouri as far as Fort Recovery, in present-day South Dakota. In the course of his travels the Duke befriended such frontier luminaries as General William Clark and members of the fur-trading Chouteau family. His reaction to numerous other Anglo, French, and half-breed frontiersmen, however, was mixed. He also observed at close hand several Plains and Prairie Indian tribes, finding those in their "natural state" generally more moral, civilized, and agreeable than those tainted by close contact with encroaching whites. A skilled natural scientist, the Duke identified, usually correctly, and described hundreds of plant and animal species and recorded numerous topographical and geological observations. This is a new translation of the 1835 German edition of a too little known work, and is the first annotated edition to appear in any language. The editorial apparatus is first rate; the illustrations, some in color, are appropriate and attractive, and the Duke is a sophisticated, accurate observer. [Douglas Martin]

Magic Medicines of the Indians. By C. A. Weslager. (Somerset, N. J.: Middle Atlantic Press, 1973. Pp. 161. \$6.50.) Written by a recognized authority on the history and folkways of several groups of eastern woodland Indians, this study is based on accounts by white observers from the seventeenth century to the present and on field research among the modern Delaware population in the United States and Canada. Of particular interest is information obtained from "Touching Leaves," perhaps the last remaining traditional Delaware herbalist. Weslager presents a clear, well-written account of the knowledge of edible plants, herbal cures, non-herbal remedies, and even the witchcraft of the Nanticoke, New Jersey Indians, and the Delaware. [Douglas Martin]

The Horseshoe of the Potomac in the days of Witches, Wenches, and Cannibals, 1640-1776. By

Sumner Wood, Sr. (Arlington, Va.: Cooper-Trent, 1973. Pp. 188. \$10.00.) Wood gives us a mixture of personal reminiscence, story-telling, and historical information, both important and trivial, that interests him. The author, a long-time resident of the area, focuses on the people, the institutions, the buildings, and the events that for him constitute the early history of the "Horseshoe" region, but he does not hesitate to depart from his geographical or temporal parameters to relate other information that he finds worthy of inclusion. Wood, in sum, presents a partial, fragmented social history of that part of Maryland along the Potomac, bounded by the Monocacy River and the Great Falls of the Potomac. [Douglas Martin]

NOTES AND QUERIES

MARYLAND DESCENDANTS OF CHARLES II

Our member, Mr. Milton Rubincam, 6303-20th Ave., W. Hyattsville, MD 20782, is assisting Mr. A. C. Addington, of 6, Fairfield Close, Harpenden, Herts, England, compiler of *The Royal House of Stuart* (vol. I, 1969; vol. II, 1971; vol. III, 1974) to assemble genealogical information on the American descendants of King Charles II (reigned 1660-1685). The King's illegitimate daughter, Lady Charlotte Fitzroy (1664-1717/18), married Edward Henry Lee, 1st Earl of Lichfield. Their daughter, Lady Charlotte Lee (1678-1721), married Benedict Leonard Calvert, 4th Lord Baltimore, Proprietor of Maryland. Their son, Charles, 5th Lord Baltimore (1699-1751), had an illegitimate son, Benedict Swingate, afterwards Calvert (1724?-1788). He married Elizabeth, daughter of Charles Calvert, Governor of Maryland, and was ancestor of a large family in Prince George's County, Maryland, and elsewhere. Messrs. Rubincam and Addington would like descendants of Benedict Swingate-Calvert to get in touch with either of them about their lines of descent. Mr. Addington plans to include all known illegitimate branches of the former reigning family of Stuart in volume IV.

Wanted!

Information leading to the present location of portraits or possessions of the following persons: Charles Carroll of Carrollton; the Carrolls of Duddington, Upper Marlboro, and Rock Creek who were his immediate relatives; members of the Digges, Darnall and Talbot families who intermarried with the Carroll family; Archbishop John Carroll; Charles Carroll of Homewood and Harriet Chew; Col. Charles Carroll of Doughoregan and Mary Digges Lee; Louisa Catherine Carroll and Isaac Rand Jackson; Elizabeth Henrietta Carroll and Dr. Aaron Tucker; Mary Sophia Carroll and Richard Henry Bayard; Harriet Carroll and John Lee of Needwood; Mary Caton and Richard Caton; Marianne Caton, Marchioness of Wellesley; Robert Patterson; Elizabeth Caton, Baroness Stafford and Baron Stafford; Louisa Caton, Duchess of Leeds and her first husband, Sir Felton Hervey-Bathurst; Emily Caton MacTavish, John Lovatt MacTavish, Catherine Harper, Robert Goodloe Harper, Charles Carroll Harper, Charlotte Chiffelle, and Emily Louisa Hinton Harper. Paintings, drawings, and graphics are of interest. The identity of all responders will be held in strictest confidence. Please contact Ann Van Devanter or William Voss Elder, Baltimore Museum of Art, Art Museum Drive, Baltimore, Md. 21218, or call collect (301) 889-1735.

Corrections

The Editors of the Summer 1974 issue of the magazine wish to call attention to the following corrections that should be made in that issue

Page

142	line 20	Read "merchants'" for "merchants."
151	line 4	Read "flour" for "fluor."

151	Note 9	Read " <i>Mid-Essex</i> " for " <i>Mid-Sussex</i> ."
153	line 19	Read "thatch" for "thatched."
164	Plate IV	Printed upside down.
165	Plate V	Printed upside down. Caption now reads from bottom to top, right to left.
165	Caption line 12	Read "Staffordshire" for "Stafforshire."
167	Plate VI	Printed upside down. Caption now reads from bottom to top, right to left
187	lines 9-10	Read "a two-bay cottage enclosing two small rooms heated by a chimney on each gable."
187	line 19	Read "morticed, tenoned, and nailed" for "half lapped and nailed."
197	line 9	Read "Tolle" for "Towle."
197	line 10	Read "1764" for "1765."
203	Plate II	Artifacts illustrated at one-half actual size.
204	Plate III	Printed sideways. Caption now reads from bottom to top, left to right.
207	Plate IV	Printed sideways. Caption now reads from top to bottom, right to left.
208	Plate V	Printed sideways. Caption now reads from top to bottom, right to left.

Correction

In the Fall 1974 issue an incorrect picture was used in the Thomas Stone article on page 275. The picture should have been that of the Honorable Robert Goldsborough, of "The Point," Cambridge, Maryland, who was born on December 3, 1733 and died in 1788 instead of Charles Goldsborough, Governor of Maryland in 1818. We wish to thank Mrs. J. Stirling Goldsborough Graham for pointing this mistake out to us. Mrs. Graham is currently working on a biography of Robert Goldsborough.

Information wanted:

Mark Alexander, Jr. (1792-1883) of Park Forest, Mecklenburg County, Virginia served in the Virginia House of Delegates from 1815 to 1819, and in the U.S. House of Representatives from 1819 to 1833. In a note in *John Randolph of Roanoke, 1773-1833* by William Cabell Bruce, there was mention of a manuscript, *The Memoirs of Mark Alexander, Jr.*, owned at the time (1922) by Mrs. W. Kennedy Boone of Baltimore, Maryland. The undersigned is very interested in locating this manuscript or any other papers relating to Mark Alexander, Jr.

Ms. Susan Bracey
Apt. 808

104 W. Franklin St.
Richmond, Virginia 23220

Information wanted:

Having completed a book on Maryland mills, I would like to obtain 5×7 or 8×10 photographs from original negatives of extinct mills within the State. Also interested in any photo of any mill in Calvert, Allegany, or Anne Arundel Counties. Would also like to locate John Beale Bordley's journal recounting the building of his windmill on Wye Island.

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INDEX TO VOLUME LXIX

Names of authors and titles of papers and original documents printed in the *Magazine* are set in capitals. Titles of books reviewed or cited are set in italics.

A

- Abbell, Aaron I., 41
 Abert, Major J. J., 198
Ableman v. Booth, 4, 6, 24
Abraham Lincoln, by Albert Beveridge, 8
 Accelerated Indexing Systems, 339-340
 ACCESSIONS OF THE MANUSCRIPT DIVISION SINCE THE PUBLICATION OF *MANUSCRIPT COLLECTIONS OF THE MARYLAND HISTORICAL SOCIETY* IN AUGUST, 1968, X, 90-92
 ACCESSIONS OF THE MANUSCRIPT DIVISION SINCE THE PUBLICATION OF *MANUSCRIPT COLLECTIONS OF THE MARYLAND HISTORICAL SOCIETY* IN AUGUST, 1968, XI, 321-322
 Acheson, Dean G., 16
 "An Act allowing booke for certain Felonies," 388-389, 395
 "An Act declaring punishment for burning court-houses," 395
 "An Act for emitting a supply of credit," 395
 "An Act for granting a supply of Forty Thousand pounds for his Majesty's Services," 395
 "An Act for the more effectual punishment of Certain Offenders," 396
 "An Act for the more effectual punishment of negroes," 395
 "An Act for the punishment of horse stealers and other offenders," 396
 "An Act Relative to the Naturalization and Citizenship of Married Women," 378
 "An Act to Amend the Laws of the District of Columbia," 378
 "An Act to prevent counterfeiting the paper Money of Other Colonies," 395
 "An Act to prevent the cutting up tobacco plants," 395
 "An Act to provide for the preservation, arrangement, publication and sale of Ancient Documents pertaining to Maryland," 412
 "Acts for the Advancement of Trade," 99, 132
 Adams, Rev. Alexander, 418, 423
 Hans, 95
 Henry, 296, 298
 Herbert Baxter, 238
 James, 96
 John, 64 ff., 68, 69, 75 ff., 82
 John Quincy, 106
 Adari, Mary, 418
 Mary, Mrs. Ouin, 418
 Nany, 418
 Ouin, 418
 Addington, A. C., 447
 Luther F., 63
 "Address of the Clergy and Laity of Philadelphia to Archbishop Francis Patrick Kenrick on His Translation to Baltimore," 311
 Adger, James, 254
 Adger & Black, 246 ff., 250, 253, 254
 "Administrative Problems in Maryland in Liberia — 1836-1851," by Samuel W. Laughon, 314
 "Adolph Cluss in Washington," by Tanya E. Beauchamp, 440
 "Advice to the Law Student: A Letter of William Wirt in the Hampton L. Carson Collection of the Free Library of Philadelphia," by Havell J. Heaney, 308
 Afro-American Council, 237
 "After Gettysburg: Frederick Law Olmsted on the Escape of Lee," by Evelyn Page, 314
Age of Jackson, by Arthur M. Schlesinger, Jr., 19
Agricultural History, 300
 Ahlstrom, Sydney E., *A Religious History of the American People*, reviewed, 241

- "Ainsworth Rand Spofford and the Library of Congress," by John Y. Cole, 441
- "The Air of the 'Star-Spangled Banner,'" by H. T. Henry, 308
- "The Air of the 'Star-Spangled Banner': A Reply by W. H. Gratton Flood, A Brief Rejoinder by the Rev. H. T. Henry, Litt. D.," 306
- Albert, Jacob, 251
- "Albert Gallatin in Washington, 1801-1813," by Richard Mannix, 441
- Alberts, Robert C., 251
- Aldermanbury Street, St. Mary's City, 129, 137
- Alexander, Dr. Ashton, 261-264
- Gross, 44, 52, 53
- John Henry, 411, 412
- Mark, Jr., 448
- "Alice Paul and the Great Suffrage Parade of 1913," by Sidney R. Bland, 441
- Alien and Sedition Acts, 65
- Allan, Anne Alden, "Patriots and Loyalists: The Choice of Political Allegiances by the Members of Maryland's Proprietary Elite," 306
- Allard, Dean C., 317, 318
- Allen, Rev. Ethan, 411 ff.
- George Bernard, 315
- William Francis, 238
- Young J., 44
- Allmand & Gallagher, 285
- "Almodington," Somerset County, 418
- Alpert, Jonathon L., "The Origin of Slavery in the United States - The Maryland Precedent," 302
- Altick, Richard D., "Maryland Haymaking," 301
- Alvey, Pope, 389, 390
- America*, by John Ogilby, 146
- American and British Genealogy and Heraldry*, by P. William Filby, 444
- American Anti-Slavery Society, 37, 432, 433
- American Association for the Advancement of Science, 88
- American Association for State and Local History, 440
- American Bar Association, 374, 382
- "The American Capitoline Hill and Its Early Catholic Proprietors," by Margaret Brent Downey, 302
- American Church History Series*, 241
- The American Exploration and Travel Series*, 445
- American Farmer*, 258
- "*The American Farmer: A Pioneer Agricultural Journal, 1819-1934*," by Harold T. Pinkett, 310
- American Heritage*, 228, 300, 431, 440
- The American Heritage Book of the Revolution*, 228
- American Historical Association, 239, 413
- American Historical Review*, 300, 440
- American Industry and the European Immigrant, 1865-85*, by Charlotte Erickson, 109
- American Jewish Archives*, 300
- American Jewish Historical Quarterly*, 300
- American Journal of Legal History*, 300
- American Neptune*, 300
- American Political Science Review*, 300
- American Quarterly Review*, 258
- American Register*, 258
- The American Revolution, 1775-1783: An Atlas of 18th Century Maps and Charts: Theatres of Operations*, compiled by W. Bart Greenwood, 444-445
- American Sailing Coasters of the North Atlantic*, by Paul C. Morris, 444
- The American University, 374
- The Americans*, by Daniel J. Boorstin, 293, 297
- Ames, Fisher, 72, 80
- The Amiable Baltimoreans*, by Francis F. Beirne, 288
- "The 'Anarchism' of John Dos Passos," by David Sanders, 316
- Anatomical Hall, Baltimore, 344
- Anderson, Judge, 318
- James, 323
- Sherwood, 113
- Andrei, Mr., 307
- Andrew Small Academy, 88
- Andrews, Charles M., 98 ff., 342, 387
- Andrews, Edward Deming, and Andrews, Faith, "The Shaker Children's Order," 117
- Andrews, Faith, Andrews, Edward Deming, and, "The Shaker Children's Order," 117
- Matthew Page, 387
- Andrews, Matthew Page, "The Separation of Church and State in Maryland," 302

- Andrrus, Catherine, 323
- "The Anglican Vestry in Colonial Maryland: Organizational Structure and Problems," by Gerald E. Hartdagen, 303
- "The Anglican Vestry in Colonial Maryland: A Study in Corporate Responsibility," by Gerald E. Hartdagen, 303
- Angoff, Charles, "H. L. Mencken: A Postscript," 315
- "Annals of Silver Spring," by Gist Blair, 312
- Annapolis Mayor's Court, 274
- Anne McKim* (ship), 315
- Anne Royall's U.S.A.*, by Bessie Rowland James, *reviewed*, 105-106
- Anthony, Capt. Aaron, 29
- Susan B., 90, 365, 372, 380
- Anthony Foundation, 376
- "Anti-Catholicism in Early Maryland Politics: The Protestant Influence," by Denis M. Moran, 310
- "Anti-Catholicism in Early Maryland Politics: The Puritan Influence," by Denis M. Moran, 310
- "Anti-Federalism in Maryland," by Philip A. Cowl, 307
- Antifederalist Party, 65
- Anti-Slavery Society of Maryland, 90
- "Another View on Wirt in *Cherokee Nation*," by Kenneth W. Treacy, 311
- "An Appeal of Murder in Maryland," by C. Ashley Ellefson, 302
- "Appointment of Bishop Carroll of Baltimore," by Elizabeth S. Kite, 309
- "The Appointment of Father John Carroll as Prefect-Apostolic of the Church in the New Republic (1783-1785)," edited by Peter Guilday, 308
- "April Weather: The Poetry of Lizette Woodworth Reese," by R. P. Harriss, 315
- Aptheker, Herbert, 27, 38, 39, 43
- "A. R. Shepherd and the Board of Public Works," by William M. Maury, 441
- "Archbishop John Carroll and the Virgin Islands," by Joseph G. Daley, C.S.R., 307
- Architecture of Baltimore*, by Eleanor P. Spencer and Richard H. Howland, 336
- Archives and Manuscript Collections of Dickinson College: A Guide*, compiled by Charles Coleman Sellers and Martha Calvert Slotten, *reviewed*, 113
- "The Archives of Baltimore," by Martin I. J. Griffin, 308
- Archives of Maryland*, 274, 277, 387, 388, 412, 413
- Ark* (ship), 123, 170, 180
- Arkin, Herbert, 346, 350
- Armstrong, Gen. Samuel C., 237
- Walter P., 14
- "The Army versus Maryland Slavery, 1862-1864," by Charles L. Wagandt, 315
- Arnold, James Riehl, "Battle of Bladensburg," 306
- Art and History of the Potting Business*, by William Evans, 201
- Arthur, Helen B., 374
- "Arthur P. Gorman and the Chesapeake and Ohio Canal: An Episode in the Rise of a Political Boss," by Walter S. Sanderlin, 316
- "Articles of Agreement for the Galley Conqueror, 1779," by William D. Hoyt, Jr., 308
- "As Much History as . . . Invention: John P. Kennedy's *Rob of the Bowl*," by Charles H. Bohner, 312
- Aschmann, Rudolf, *Drie Jahre in der Potomac-Armee*, 108-109
- Ashe, Samuel A., "Memories of Annapolis," 312
- Ashfield, Henry, 96
- Asper, Lewis D., "The Long and Unhappy History of Loyalty Testing in Maryland," 306
- Association of American Law Schools, 374
- Associators' Convention, 327, 328
- Astor, Mrs. John Jacob, IV, 288
- Athenaeum, Baltimore, 411, 413
- Atkinson, Jane, 323
- Thomas, 49
- The Atlantic Souvenir*, 257
- Attorney General v. Overzee*, 147
- Attorney General v. Williams et. al.*, 147
- Attwater, Donald, 269
- Atwood, Albert W., "Reminiscences," 441
- Audubon, John J., 88
- Auld, Hugh, 29
- Mrs. Rowena, 30
- Sophia, 29
- Thomas, 32, 36
- Auston, William, 323
- Awalt, Francis G., "Recollections of the Banking Crisis in 1933," 315

B

- Bache, Benjamin Franklin, 76
 Back Creek, 424
 "Background of Poe's University Life,"
 by Philip Alexander Bruce, 312
 Bacon, Thomas, 142
 Bacon-Foster, Cora, "Early Chapters in
 the Development of the Potomac Route
 to the West," 306-307
 Baer, Elizabeth, 146
 Bagehot, Walter, *Physics and Politics*,
 238
 Bailey, Emma Reba, 376
 Gamaliel, 332
 Bailyn, Bernard, 244, 327, 430, 431
 Bain, Parson, 323
 Baker, Henry E., "Benjamin Banneker,
 the Negro Mathematician and Astron-
 omer," 307
 Jean, 334, 433, 434
 Baker, Jean H., *The Politics of Continu-
 ity*, reviewed, 233-235
 John, 323
 Baldwin Literary and Debating Society of
 Savage, 88
 Ballard, Ann, 418
 Ann, Mrs. Jarvis, 418, 423
 Jarvis, 418, 423
 Balme, J. R., 36, 40
Baltimore, by Clayton Coleman Hall,
 349, 351, 356
*Baltimore American and Commercial Ad-
 vertiser*, 88, 380, 405
*Baltimore American Farmer and Spirit
 of the Agricultural Journals of the
 Day*, 318
 "The Baltimore and Ohio — First in
 War," by Festus P. Summers, 314
 Baltimore and Ohio Railroad, 91, 258,
 279, 280, 314, 331
 Baltimore, Annapolis and Drum Point
 Telephone Company of Baltimore, 88
 "Baltimore Architecture in History," by
 Wilbur H. Hunter, 336
 "Baltimore Architecture Today," by Alex-
 ander S. Cochran, 336
 "Baltimore Brevities," 307
 Baltimore City College, 91
 Baltimore Commission for Historical and
 Architectural Preservation, 282
 "The Baltimore Company Seeks English
 Markets: A Study of the Anglo-Ameri-
 can Iron Trade, 1731-1755," by Keach
 Johnson, 304
 "The Baltimore Convention of 1912," by
 Arthur S. Link, 315-316
 "The Baltimore Council of 1866," by
 James Hennessey, S. J., 313
 Baltimore Heritage, 285
 "Baltimore in 1813: A Study of Urban
 Defense in the War of 1812," by
 Frank A. Cassell, 307
 "Baltimore Jews during the Civil War,"
 by Isaac F. Fein, 313
 Baltimore Municipal Art Society, 281
 Baltimore Museum of Art, 287
 "The Baltimore Riots, April, 1861," by
 Edward G. Everett, 313
 "Baltimore Society for the Prevention of
 Pauperism, 1820-1822," by Blanche D.
 Coll, 307
 Baltimore Street, Baltimore, 343, 345,
 358
 Baltimore Street Bridge, 405
Baltimore Sun, 280
 "Baltimore's Sunpapers: Where Has
 Greatness Gone," by Paul Wilkes, 302
 Baltimore Symphony Orchestra, 88
 "Baltimore, Through a Glass Darkly," by
 Mary D. Earley and Richard F. Snow,
 313
 Baltimore Yearly Meeting of Friends,
 113-114
 "Baltimore's War," by Wilbur H. Hunter,
 Jr., 309
 Bancroft, Frederic, 239
 Bank of the United States, 4, 6, 247,
 248, 257
 Bankhead, Charles, 269
 Mrs. Charles, 268
 Bankson, John, 348
 Banneker, Benjamin, 90, 307, 310
 Banning, Anthony, 323
 Robert, 323
 Banon, Miss, 264
 Bantz, John, 96
 Baptist General Association of Virginia,
 46, 58
 Barbec, Pierre, 158
 Barbour, Philip L., "The Earliest Recon-
 naissance of the Chesapeake Bay Area:
 Captain John Smith's Map and Indian
 Vocabulary," 302
 Barclay, George W., 212
 BARD, HARRY, *Harold Randall Mana-
 kee*, before 243
 Barker, Charles, 426

- Barker, Charles A., "Maryland before the Revolution," 302
- Barker, Charles A., "Property Rights in the Provincial System of Maryland: Proprietary Policy," 302
William, & Son, 251
- Barkman, Conrad, 323
- Barley, M. W., 150, 151, 153, 161
- Barnes, G. H., 432
- BARNES, ROBERT, *Somerset Parish Records*, 418-425
- Barnes, Robert, compiler, *Marriages and Deaths from the Maryland Gazette, 1727-1839*, reviewed, 228
V. F., 98
William W., 51
- Barnet, Dr., 323
- Barnett, General, 441
Mrs. C. W. H., 322
- Barney, Joshua, 311
- Barnitz, John, 406
- Barnum's Hotel, Baltimore, 258, 266, 267
- Barnwell, Rev. Robert W., 45
- Barret, Solomon, 323
- Barry, Mrs. James, 309
- Bartlet, Cor. [?] James, 323
- Bartlett, Hayward G., 284
- Barton, Clara, 368, 379
- Bartram, John, 307
- Bartscher, Eileen M., 442
- "Baseball Reminiscences," by Jesse "Nip" Winters and John Holway, 441
- Bassett, John Spencer, 5
- Bath Street, Baltimore, 406
- Battle, Edward, 164
- The Battle for Bunker Hill*, 228
- "The Battle of Baltimore Illustrated," by Wilbur H. Hunter, Jr., 309
- "Battle of Bladensburg," by James Riehl Arnold, 306
- Battle Run Baptist Church, 47
- Batty, John W., 323
- Bayard, James A., 83, 84
James A., Jr., 260
Mary Sophia (Carroll), Mrs. Richard Henry, 447
Richard Henry, 447
- Bayly, Thomas, Sr., 345
- Bazell, Catherine L., 260, 268
- Beauchamp, Tanya E., "Adolph Cluss in Washington," 440
- Beall, Col. Ninian, 304
- Beanes, Dr. William, 309
- Beard, Charles A., 65
- Bearss, Edwin C., "1862 Brings Hard Times to the Chesapeake and Ohio Canal," 312
- Bearss, Edwin C., "War Comes to the Chesapeake and Ohio Canal," 312
- Beatte, Susan, 323
- Beaver Creek Church, Fairfield, S. C., 45
- Becker, Carl L., 238, 334-336, 428
- "Beech Hill," Baltimore County, 264, 266, 269
- Beecher, Henry Ward, 35, 113
- Beirne, Francis F., *The Amiable Baltimoreans*, 288
- Beitzell, Edwin W., 135, 137
- Bell, Alexander Graham, 113
Rev. Hamilton, 418 ff., 422
Hamilton, Jr., 418, 419
John, 434
Mary (Robertson), Mrs. Hamilton, 418, 419, 422
- Bell, Whitfield Jr., and Ketcham, Ralph L., "A Tribute to John Bartram with a Note on Jacob Engelbrecht," 307
William, 419
- BENEFIT OF CLERGY IN COLONIAL MARYLAND, by Peter G. Yackel, 383-398
- "Benjamin Banneker, the Negro Mathematician and Astronomer," by Henry E. Baker, 307
- "Benjamin Henry Latrobe and Washington," by Edward C. Carter, II, 440
- Bennett, Edwin, 117
- Benns, Frank Lee, 244
- Benson, Berry, 323
Charles, 323
Edward, 323
Kitturah, 323
Mary Ann, 323
Nancy, 323
- Bentz Street, Frederick, 5
- Berdan's First U. S. Sharpshooters, 109
- Berg, Capt. Strand, 323
- Berkeley, Dorothy Smith, 124, 225
Edmund, 124, 225
- Bernard, L. Leon, 125
Richard M., opp. 341
- BERNARD, RICHARD M., *A Portrait of Baltimore in 1800: Economic and Occupational Patterns in an Early American City*, 341-360
- Bern, Betty, 317
- Berridge, Mrs. Mary, 323

- Berryman, Jim, 440
 Berthoff, Rowland, 110
 Bethel Baptist Association, 45
 Bethel Colored Methodist Episcopal Church, 38
 Bethel Presbytery of the Synod of South Carolina, 56
 Beveridge, Albert, 9, 18
 Beveridge, Albert, *Abraham Lincoln*, 8
 Beveridge, Albert, *Life of John Marshall*, 8
 Beverley, Robert, 124, 139, 225
 Bibbins, Ruthella Mory, 342
A Bibliography of American Children's Books Printed Prior to 1821, by d'Alte Welch, 119
 Bickley, George, 436
 Biddle, Capt. James, 319
 Biddle, John F., "Bladensburg — An Early Trade Center," 307
 Nicholas, 254
 Bieder, Robert E., 105
The Big Money, by John Dos Passos, 111
 Billington, Ray Allen, *Frederick Jackson Turner: Historian, Scholar, Teacher*, reviewed, 237-240
 Bingham, Edward F., 371
 William, 68
 "Biographical Sketch of Daniel Dulany," by John H. B. Latrobe, 309
Biography of the Signers to the Declaration of Independence, by John Sander-son, 257
 Birney, J. G., 432
 Bisson, Mr., 290
 Bittenbender, Ada M., 362
 Bittle, D. F., 54
 Black, Catherine F., 337
 Henry, 94
 William, 302
 "The Black Militia in D.C., 1867-1898," by Martin K. Gordon, 441
Black New Orleans, 1860-1880, by John W. Blassingame, 118
 Blackburn, George, 176
 Blackstone, Judge William, 370, 386 ff.
 Bladen, William, 391
 "Bladensburg — An Early Trade Cen-ter," by John F. Biddle, 307
 Blair, Gist, "Annals of Silver Spring," 312
 James, 124, 302
 Montgomery, 234, 312
 Bland, Sidney, "Alice Paul and the Great Suffrage Parade of 1913," 441
 Theodorick, 261
 Blanton, Wyndham B., 45
 Blassingame, John W., *Black New Or-leans, 1860-1880*, 118
 Blassingame, John W., "The Recruit-ment of Colored Troops in Kentucky, Maryland and Missouri, 1863-1865," 312
 Blassingame, John W., *The Slave Com-munity: Plantation Life in the Ante-bellum South*, reviewed, 106-107
 Bliss, Philip, 153
 Bloomfield, Maxwell, "John M. Lang-ston and The Rise of Harvard Law School," 441
 Blue, Frederick J., *The Free Soilers: Third Party Politics, 1848-54*, re-viewed, 332-333
 "A Blueprint for Change: The Black Community, 1860-1870," by Melvin R. Williams, 441
 Blundell, Richard, 306
 Board of Trade, 183, 217
 Boden, Mrs. Harry, 91
 Bodine, A. Aubrey, 281, 283, 291
 "Bohemia: Mission of St. Francis Xavier, Cecil County, Maryland," by E. I. Devitt, S.J., 302
 Bohner, Charles H., 231
 Bohner, Charles H., "As Much History as . . . Invention: John P. Kennedy's *Rob of the Bowl*," 312
 Bohner, Charles H., "The Poe-Kennedy Friendship," 312
 Bohner, Charles H., "*Swallow Barn*: John P. Kennedy's Chronicle of Virginia Society," 312
 Boles, David Christopher, 120
 John B., opp. 1, 120, 241
 BOLES, JOHN B., *Politics, Intrigue, and the Presidency: James McHenry to Bishop John Carroll, May 16, 1800*, 64-85
 Nancy G., 64, 113, 120, 417
 Bolman, John, 323
 Bolton, Herbert Eugene, 238
 Richard, 97
 Bonaparte, Charles J., 87, 89, 322
 Bonbright, Hattie, 91
 Bond, Carroll T., 391
 Bond Street, Baltimore, 345
 BOOK NOTES, 116, 338, 443

BOOK REVIEWS, 98, 228, 327, 426

Booker T. Washington: The Making of a Black Leader, 1856-1901, by Louis R. Harlan, *reviewed*, 236-237

Boone, Mrs. W. Kennedy, 448

Boorstin, Daniel J., 293-299

Booth, Edwin, 88

John Wilkes, 88

Junius, 88

Bootman, John, 96

Borchard, Edwin, 14

Borchert, Mary, "Washington's Inhabited Alleys," 441

Borden, Morton, 83

Bordley, John Beale, 449

Borneman, Richard R., "Franzoni and Andrei: Italian Sculptors in Baltimore, 1808," 307

Borromeo, St. Charles, 269

Boswell, Paul, "Portfolio of Washington Drawings," 440

Boucher, Jonathan, 308, 311

Boumi Temple, A.A.O.N.M.S., 285

Boudin, Louis, 14 ff., 18

"The Boundary Dispute between Maryland and Pennsylvania," by Walter B. Scaife, 305

"Boundary of Maryland," 302

Bourdillon, Amy, 419

Andrew Theodore, 419

Rev. Benedict, 418 ff.

Johanna, Mrs. Benedict, 419, 420

Boutny, Emile, 238

Bouwens, Mr., 443

Bowdle, Benjamin M., 324

Mrs. E., 324

Mrs. Juley, 324

Robert H., 324

Bowers, Claude G., 9

Bowley, Daniel, 348

"Boy with a Turtle," by Henri Crenier, 281

Boyce, James Petigru, 52, 53

Boyd, Anna, 246

Jesse L., 52, 58

Julian, 430

Boyer, Andrew, 95

Boyer, Robert, Meersman, Roger, and, "The National Theatre in Washington, D. C., 1835-1972," 441

Bozman, John Leeds, 410

Bracey, Susan, 448

Brackett, Jeffrey, 30

Bracklo, Bennet, 324

Bradford, Augustus W., 412

William, 299

Bradford County, Pa., 267

Bradley, Henry, 407

Joseph, 362, 363, 370

Bradshaw, Anna, 324

Bradwell, Myra, 363

Bradwell v. Illinois, 362

Bray, Thomas, 304, 306, 328-329

Brayshaw family, 115

"Breakout at Harper's Ferry," by John W. Mies, 314

Breckinridge, John C., 434

Brent, Capt. Giles, 361

Margaret, 361, 362

Wirich, 406

Breslaw, Elaine, 329

Bridenbaugh, Carl, 347, 348, 353

Bridge Street, Baltimore, 357

Bright, Simeon Miller, "McNeill's Rangers: A Study in Confederate Warfare," 312

William, 95

Brinsfield, Mrs., 324

Broadbuss, William F., 63

Brock, R. Alonzo, ed., "Journal of William Black, 1744," 302

Bromwell, Aley Ann, 324

Charles M., 324

Edward, 324

Elizabeth, 324

Jacob, 96

Jacob S., 324

Jeremiah, 324

Mary, 324

Mary Ann, 324

Nicholas, 324

Rebecca, 324

Susan, Mrs. Edward, 324

Westley, 324

William, 324

Bronlor, Cornelius, 96

Bronson v. Kinzie, 11

Brooke, Robert, 303

"Brooklandwood," Baltimore County, 262

Brooks, James, 95

Broome, James, 128

Brown, Alexander, 243-254

Alex. & Sons, 243-254

Brown, Alexander Crosby, "The Old Bay Line of the Chesapeake: A Sketch of a Hundred Years of Steamboat Operation," 301

Dorothy M., opp. 243

- BROWN, DOROTHY M., and DUNCAN, RICHARD R., *A Selected Bibliography of Articles on Maryland History in Other Journals*, 300-316
 Caroline Cator (Taylor), 92
 George, 247, 249, 254
 George William, 91
 Grace (Davison), Mrs. Alexander, 247
- Brown, Helen W., *Index of Marriage Licenses, Prince George's County, Maryland, 1777-1886*, 119
 Henrietta, 324
 James, 247, 249
 James, & Co., 271
- Brown, James Earl, "Life of Brigadier General John McCausland," 312
 John, 27, 33, 216, 434
 John A., 247 ff.
 John A., & Co., 247
 John Crosby, 243
 William, 95, 247, 249
 William, & James Brown & Co., 247, 248, 250, 251, 253, 254
 William T., 92
- Brown Bros. & Co., 247, 314
- Browne, Gary L., opp. 243
- BROWNE, GARY L., *Business Innovation and Social Change: The Career of Alexander Brown After the War of 1812*, 243-255
 William Hand, 124, 146, 171, 215, 271, 384, 409
- Bruce, Philip Alexander, "Background of Poe's University Life," 312
- Bruce, Philip Alexander, "Edgar Allan Poe and Mrs. Whitman," 312
- Bruce, Philip Alexander, "Was Poe a Drunkard?", 312
- Bruce, William Cabell, *John Randolph of Roanoke, 1773-1833*, 448
- Bruchey, Stuart, 251, 264, 344, 357
- Brumbaugh, Gaius M., 144, 197
- Bryan, Alfred Cookman, 252
- Brydon, G. MacLaren, 44, 47
- Brydon, G. MacLaren, "James Blair, Commissary," 302
- Bryn Mawr College, 290
- Bryn Mawr School, 290
- Buchanan, James, 9, 113, 331
- Buelle, Rochesse, 91
- Buena Vista, 340
- Bull, Jacqueline, 338
- Bullock, Henry M., 54
- Burger, Nash K., 48, 58, 61
- Burke, Elick, 95, 97
 Rev. Dr. John, 310
 John William, 57
- Burnap family, 91
- Burr, Aaron, 64, 66, 79, 82, 83, 331
- Burroughs family, 236
- Burrows, John L., 50
- Burton, Roland C., editor, "John Pendleton Kennedy and the Civil War: An Uncollected Letter," 312
- Business History Review*, 300
- BUSINESS INNOVATION AND SOCIAL CHANGE: THE CAREER OF ALEXANDER BROWN AFTER THE WAR OF 1812, by Gary L. Browne, 243-255
- Butler family, 167
- Byrd, William, I, 140, 226
- Byrne, John F., C.S.S.R., "The Redemptorists in America," 312
- Bystander: or a Series of Letters on the "Legislative Choice" of Electors in Maryland*, 78

C

- Cable Act, 378
- Cabot, George, 71, 79, 81, 82
- Cady, Frank W., "Sidney Lanier," 312
- Cain, J. B., 49, 50
- Cake, R. H., 150
- Calhoun, James, 347, 348
 John C., 113, 232
- Callahan, Edward W., 317
- Callcott, George, 433
 Margaret, 233
- Calvert, Anne, Mrs. Charles, 63
 Benedict Leonard, 303, 409, 447
 Cecilius, Lord Baltimore, 147, 153
 160, 303, 409
 Charles, 129, 134, 146, 147, 149, 152, 156, 160, 162 ff., 447
 Charles, 3rd Lord Baltimore, 124, 130 ff., 143, 144, 390, 391
 Charles, 5th Lord Baltimore, 394, 449
- Lady Charlotte (Lee), Mrs. Benedict Leonard, 447
 George, 90
 Jane (Sewell), Mrs. Charles, 166
 Leonard, 123, 126, 128, 129, 153, 155, 160, 361, 388
 Philip, 128, 130, 132, 139, 157, 197 family, 130

- Calvert Street, Baltimore, 344, 345, 358, 407
- Calverton Manor, 194
- Camp, Anthony, 443
- Camp Dick Robinson, Ky., 47
- Campbell, Miss, 268
- Daniel, 197, 201
- James B., 63
- James Mason, 113
- Margaret (McCrea), Mrs. John, 190
- Penelope, 398
- Sarah, 201
- William, Jr., 193
- Campbell & Cumming, 246, 247
- Canabiss, Frances Allen, 49
- James Allen, 49
- Cane, Mrs. Ann, 324
- James, 324
- Cape Henry Lighthouse, 309
- Cape Palmas, Liberia, 398, 401, 403
- Capone, Al, 294
- CAPTAIN JOHN FULFORD'S COMPANY, FEBRUARY 13, 1776 TO MAY 21, 1777, edited by Mary K. Meyer, 93-97
- "Captain John Smith, Frederick Co., Md., of the Revolution and Some of His Ancestors," by Francis F. Smith, 311
- "Cardinal Gibbons on the National Catholic Welfare Conference," edited by Theodore Maynard, 316
- Career Women of America, 1776-1840*, by Elizabeth A. Dexter, 362
- Carey and Lea, 257
- Carleton, Dudley, 143
- Edward, 143
- Carmel Baptist Church, 47
- Carnegie, Andrew, 113, 290, 296, 328
- Carpenter, Francis, 389, 390
- Thomas, 96
- William, 96
- Carr, Lois Green, 113, 121, opp. 123, 146, 169-184
- CARR, LOIS GREEN, "*The Metropolis of Maryland*": *A Comment on Town Development Along the Tobacco Coast*, 124-145
- Carr, Lois Green, and Jordan, David William, *Maryland's Revolution of Government, 1689-1692*, reviewed, 327-328
- Carroll, Charles of Annapolis, 261
- Charles, Barrister, 272
- Charles, of Carrollton, 75, 76, 78, 89, 256, 258, 261, 262, 264 ff., 272, 307, 309, 311, 338, 412, 417, 426, 427
- Charles, of Homewood, 262, 447
- Col. Charles, 262 ff., 269, 447
- Daniel, 307, 308, 310
- Douglas G., Jr., 92
- Elizabeth (Brooke), Mrs. Charles, of Annapolis, 261
- Harriet (Chew), Mrs. Charles, of Homewood, 447
- Bishop John, 64-85, 307 ff., 447
- Kenneth L., 114
- Mary Digges (Lee), Mrs. Charles, 263, 264, 447
- family, 447
- Carroll Mansion, Annapolis, 338
- Carrollton Manor, Frederick County, 261, 338
- Carson, Cary, opp. 123
- CARSON, CARY, *The "Virginia House" in Maryland*, 185-196
- Carter, Edward C., II, 417
- Carter, Edward C., II, "Benjamin Henry Latrobe and Washington," 440
- Samuel, 96
- Thomas, 96
- family, 92
- Caruthers, James, 246
- Cary, Rachell, Mrs. Thomas, 419
- Thomas, 419
- Case, Lynn M., translator and editor, "Philadelphia and Baltimore in 1837," 312
- Caskey, Thomas, 45, 50
- Cass, Lewis, 440
- Cassell, Frank A., 245, 345
- Cassell, Frank A., "Baltimore in 1813: A Study of Urban Defense in the War of 1812," 307
- Cassidy, Francis P., "Catholic Education in the Third Plenary Council of Baltimore," 315
- "The Catholic Contribution to Religious Liberty in Colonial America," by J. Moses Ives, 304
- "Catholic Education in the Third Plenary Council of Baltimore," by Francis P. Cassidy, 315
- Catholic Historical Review*, 300

- "The Catholic Mission in Maryland, 1641," 302
 Catholic University of America Law School, 365, 370, 374
 "Catholicism in Colonial Maryland," by M. Ritta, M.S.C., 305
 "Catholicity in Allegany and Garrett Counties, Maryland," by Owen B. Corrigan, 301
 "The Catholics and Anglican Gentry in Maryland Politics," by Thomas O'Brien Hanely, 303
 "The *Cato* and the *Nautilus*, Maryland Privateers," by Dorothy Mackey Quynn, 310
 Caton, Elizabeth, Baroness Stafford, 447
 Louisa, 447
 Marianne, Marchioness of Wellesley, 447
 Mary (Carroll), Mrs. Richard, 262, 264, 447
 Richard, 262, 267, 268, 447
 Catron, Justice, 9
 Catton, Bruce, "Crisis at the Antietam," 312
 Caulk, Joseph, 324
 Centennial Exhibition of 1876, 436
The Central Presbyterian, 60
 Centre Street, Baltimore, 406
Ceramics in America, edited by Ian M. G. Quimby, *reviewed*, 112-113
 "Certain Early Maryland Landowners in the Vicinity of Washington," by John Beverley Riggs, 310
 Chaffin, Nora C., 54
 Chamberlain, Elizabeth, 324
 Henry, 324
 Mrs. Lloyd, 324
 Samuel, 324
 Chambers, William Nisbet, 65
 Champagne, Roger, 428
 Chancellor's House, 135
 Chancellor's Point, 125
 Chandler, Job, 147, 157, 158
 Zachariah, 334
 Channing, William Ellery, 117
 Chapelle, Howard I., "Notes on Chesapeake Bay Skipjacks," 315
 Chaplin, James, 324
 Champman, Henry, 433
 John Jay, 36
 Maria, 43
 Maria Weston, 432
 "The Character of the Anglican Clergy in Colonial Maryland," by Nelson Waite Rightmyer, 305
 CHARLES II, MARYLAND DESCENDANTS OF, 447
 "Charles Carroll's Plan of Government," edited by Philip A. Crowl, 307
 Charles Center, Baltimore, 336
Charles River Bridge v. Warren Bridge, 2, 11, 16, 19, 25, 26
 Charles Street, Baltimore, 358
 Chase, Salmon P., 332
 Samuel, 87, 272, 338, 411, 426
 Rev. Thomas, 418
 "The Chase Impeachment," by Richard B. Lillich, 309
 Chase-Lloyd House, Annapolis, 338
 Chase's Auction Warehouse, Baltimore, 408
 Chatard, Ferdinand E., 442, 444, 445
 Cheney, Andrew Francis, 419, 422
 Dr. Andrew Francis, 419
 Day Scott, 419
 Elizabeth (Coston), Mrs. Francis Tubman, 419
 Francis Tubman, 419
 James, 419
 Mary Day, 419
 Mary Day (Scott), Mrs. Andrew Francis, 419, 422
 Ware, 419
 William Bradston, 419
Cherokee Nation, 311
 Chesapeake and Delaware Canal, 260, 308, 313
 Chesapeake and Ohio Canal, 312, 314, 316
 "Chesapeake and Ohio Canal," by Ronald F. Lee, 301
 "The Chesapeake and Ohio Canal: Testimony to an Age Yet to Come," by Cornelius W. Heine, 301
 Chesapeake Bay Maritime Museum, 444
 "The Chesapeake Convoy System, 1662-1763," by Arthur Pierce Middleton, 305
 Cheseldyne, Kenelm, 137
 Chesney, Alan M., 290, 291, 438
 Chesnutt, Charles, 29
 Chester Street, Baltimore, 342
 Cheves, Langdon, 246, 248

- "The Chevalier de la Luzerne and the Ratifications of the Articles of Confederation by Maryland, 1780-1781: with Accompanying Documents," by St. George L. Sioussat, 311
- Chicago World's Fair, 290
- Chiffelle, Mrs., 262, 264, 266
Charlotte, 447
- Child, David Lee, 433
Lydia Maria, 433
- Children's Medical and Surgical Center, Johns Hopkins Hospital, 292
- Chilton, Edward, 124
- Chouteau family, 445
- Christ Church, Baltimore, 344
- Christ Church, Queen Anne's Parish, 420
- Christian Observer*, 51
- Christian Sun*, 52
- A Chronology of Virginia and the War of Independence, 1763-1783*, by John E. Selby, 339
- Church Home and Infirmary, Baltimore, 292
- "The Church in a Border State — Maryland," by Nelson Waite Rightmyer, 314
- Church Point, 125, 126, 128 ff., 135, 141
- Churillon, Andre, 238
- Chyet, Stanley F., 244
- City Hotel, Baltimore, 267
- "The Civil Status of Jews in Maryland, 1634-1776," by J. H. Hollander, 303
- Civil War History*, 300
- "The Civil War Journal of Dr. Samuel A. Harrison," edited by Charles L. Wagandt, 315
- Claggett, Rev. Thomas John, 420
- Claiborne, J. Herbert, "William Claiborne of Kent Island," 302
William, 126, 302, 387
- Clap, Benjamin, 246
- Clark, Albert C., "Daniel Carroll of Duddington," 307
Jacob, 94
James E., 324
John T., 54
- Clark, Joseph S., Jr., "The Railroad Struggle for Pittsburgh. Forty-three Years of Philadelphia Rivalry, 1838-1871," 312
Adm. Sherman R., 322
Thomas D., 338
Gen. William, 445
- "Clark Mills' Equestrian Statue of Andrew Jackson," by Andrew S. Keck, 440
- Clarke, Philip, 137
- Claude, Dennis, 90
- "Claude Monet's 'The Bridge at Argenteuil' at the National Gallery of Art in Washington," by Charles Merrill Mount, 440
- Clay, Henry, 31, 34, 106
- Clayton, Rev. John, 124, 225, 226
- Clem, Alan, "The Vestries and Local Government in Colonial Maryland," 302
- Clemens, Paul G., 219
- "The Clergy List of 1819, Diocese of Baltimore," edited by E. I. Devitt, S.J., 307
- Clifford, Philip Greely, 6
- Cline, Patricia E., 442
- Clocker, Daniel, of St. Andrew's, 159
Mary, 147, 158, 159
- Cluss, Adolph, 440
- Coale, Ansley J., 220, 221
- Cobb, Col. L. E., 147
- Cobb, Palmer, "Poe and Hoffman," 312
- Cochran, Alexander E., "Baltimore Architecture Today," 336
Charles F., 160
Thomas C., 244
- "Coercive Acts," 271
- Cohen, Hennig, editor, "The Journal of Robert Mills, 1828-30," 312
- Cohn, Norman, 108
- Coldham, Peter W., *English Convicts in Colonial America, Vol. 1, Middlesex, 1617-1775*, 443
- Cole, John Y., "Ainsworth Rand Spofford and the Library of Congress," 441
- Colin, Thomas, 96
- Coll, Blanche D., "The Baltimore Society for the Prevention of Pauperism, 1820-1822," 307
- Collard, Elizabeth, 201
- "The College of St. James and the Civil War: A Casualty of War," by Richard R. Duncan, 313
- "Colonel Ninian Beall," by Caleb Clarke Magruder, 304
- "Colonel Thomas White of Maryland," by William White Wiltbank, 306
- The Colonial Experience*, by Daniel J. Boorstin, 293

- The Colonial Period of American History*, by Charles M. Andrews, 100
Colonial Silver, by R. Hammond Gibson, 444
 "Colonial Taverns of Georgetown," by Oliver W. Holmes, 303
 Colston, Mrs. A. M., 324
 Morris O., 324
 Sarah, 324
 Colter, Mrs., 324
 Colton, Raymond R., 346, 350
 Columbia Historical Society, 440-441
Columbia Journalism Review, 300
 Columbia Law School, 365
 "Columbian Academy, 1821-1897," by Elmer L. Kayser, 440-441
 Columbian College, 370, 374
 Columbian College Law School, 365, 367
Columbus (ship), 318
 Cometti, Elizabeth, "Inflation in Revolutionary Maryland," 307
 "The Coming of the Railroad to Washington, D. C.," by Elizabeth O. Cullen, 307
 Commager, Henry Steele, 442
 Commerce Street, Baltimore, 345
 "Commodore Joshua Barney: The Hero of the Battle of Bladensburg," by Michael Ignatious Weller, 311
Common Sense, by Thomas Paine, 229, 430
 Conference on Maryland and Regional History, 121
Conflict over Judicial Powers, by Charles Grove Haines, 4
Congress (ship), 318
Congressional Globe, 442
Congressional Record, 442
 Connelly, John, 96
 Thomas L., 109
 William, 96
 Conner, John V., 95
 Connor, Catt, 95
Conqueror (ship), 308
 Conron, Michael A., 24, 26
 Conron, Michael A., "Law, Politics, and Chief Justice Taney: A Reconsideration of the *Luther v. Borden* Decision," 312
Constellation (ship), 308
 Constitution of 1776, 274, 330
 Constitution of 1864, 334
 Constitutional Union Party, 233, 234, 434
 "A Contemporary View of the Acadian Arrival in Maryland," by William D. Hoyt, Jr., 303
 Continental Congress, 271, 274
 Convention of Maryland, 94, 273, 274
 Convention of 1774, 417
 CONTRIBUTORS, opp. 1, opp. 123, opp. 243, opp. 341
 Coode, John, 98, 135 ff., 141, 328
 Cook, Ebenezer, 225
 Mary, 324
 Mary E., 324
 Cooley, Winnifred Harper, 378
 Cooling, Benjamin F., "Defending Washington During the Civil War," 441
 Coope, Margaret Lora, 377
 Cooper, Rev. J. Frisby, 38
 Cope, Thomas D., "The First Scientific Expedition of Charles Mason and Jeremiah Dixon," 302
 Thomas P., & Sons, 248
 Copley, Lionel, 136, 138
 Copper, Uncle Isaac, 27, 29
 Corner, J. C., 249
 Cornwalles, Capt., 155
 "Correspondence between the Sees of Quebec and Baltimore, 1788-1847," by Abbe Lionel St. G. Lindsay, 309
 "Correspondence of James McHenry," 307
 "Correspondence with Jonathan Boucher, 1786," by John Skinner, 311
 Corrigan, Owen B., "Catholicity in Allegany and Garrett Counties, Maryland," 301
 Corrigan, Owen B., "A Model County Parish and Its Records," 301
 Corrigan, R., "Maryland, Cradle of Religious Liberty," 302
 Corwin, Edward S., 5, 6, 9, 11 ff.
 James, 94
 Council of Safety, 94, 271-278
 Counsel, Nancy, 324
 The Country's House, 129
 Court of Appeals, 411
 Covey, Edward, 29, 30
 Coward, Capt. Thomas, 324
 Cox, Joseph W., 64, 65, 78, 103
 Richard J., 339
 COX, RICHARD J., *The Historical Development of the Manuscripts Division of the Maryland Historical Society*, 409-417

- COX, RICHARD J., *Notes on Maryland Historical Society Manuscript Collections: A Description of the Vertical File*, 86-90
- COX, RICHARD J., *Two Marylanders in the Early Navy: The Hambleton Family Papers*, MS. 2021, 317-321
 Samuel Hanson, 34
 Thomas, 324
- Cox, William V., "The Defenses of Washington: General Early's Advance on the Capital and the Battle of Fort Stevens, July 11, and 12, 1864," 312
- Coxe, Arthur Cleveland, "Reminiscences," 301
- Cradock, Thomas, 306
- Craig, D. I., 46
- Crane, A. B., 281, 289, 290, 327
- Cranor, Henry Downes, "Marriage Licenses of Caroline County, Maryland, 1774-1815," 307
- Craven, Avery, 11, 435
 Wesley Frank, 98, 171, 211
- Crawford, Harriet (McIntosh), Mrs.
 John, 260
 John, 260
- Crenier, Henri, "Boy with a Turtle," 281
- Crevecour, Hector St. John de, 105
- "Crisis at the Antietam," by Bruce Catton, 312
- Crockett, David, 87
- Crosby, James, 96
- Cross, E. J. D., 283
 Joseph, 49, 52, 62, 63
- Cross Keys Village, 336
- Crouch, Jacob, 419
 Jean, Mrs. Jacob, 419
 Mary, 419
- Crowl, Philip A., 143, 426, 427
- Crowl, Philip A., "Anti-Federalism in Maryland," 307
- Crowl, Philip A., ed., "Charles Carroll's Plan of Government," 307
- Croxall, Mrs. Morris L., 62
- Crumley, M. W., 45
- Cuckely, Daniel, 95
- Cullen, Elizabeth O., "The Coming of the Railroads to Washington, D. C.," 307
- Culver, Dwight, 30
- Cumberland Presbyterian Printing House, 52
- Cumming, George B., 247, 250, 253
 John, 247, 254
 William, 247, 248
- Cunningham, Hugh, 406, 407
 Noble E., 65, 69
- Currier, Charles Warren, "An Historic Corner of Old Maryland," 302
- Curry, J. L. M., 49
- Curry, Mary E., "Theodore Roosevelt Island," 441
- Curti, Merle, 176
- Curtin, Philip, 218
- Curtis, Justice [Benjamin R.], 9, 20
- Curtis Creek Furnace, 114
- Custer, Gen. George A., 437
- "Cuthbert Fenwick: Pioneer Catholic and Legislator of Maryland," by Rev. V. F. O'Daniel, 305

D

- Daily Exchange*, 91
- Daley, Joseph G., C.S.R., "Archbishop John Carroll and the Virgin Islands," 307
- Daniel, W. Harrison, opp. 1
- DANIEL W. HARRISON, *The Effects of the Civil War on Southern Protestantism*, 44-63
- "Daniel Carroll, Framers of the Constitution," by Richard J. Pursell, 310
- "Daniel Carroll of Duddington," by Albert C. Clark, 307
- "Daniel Chester French's Statue of Lewis Cass," by Michael Richman, 440
- Darden, Mr., 408
- Darnall family, 447
- Dartmouth, Earl of, 272, 275
- Dashiell, Benjamin J., 418
 Charlotte Eliza Handy, 419
 Ebenezer, 419
 John, 419, 420
 Mary, Anne Amelia Handy, 419
 Polly (Handy), Mrs. John, 419, 420
- Dashiell Genealogical Collection, 418
- Davidson College, 54
- Davies, Samuel, 117
- Davis, G. Harvey, 92
 Henry Winter, 234, 333-334, 434, 436
 Jefferson, 53
- Davis, Lance Edwin, and Payne, Peter Lester, "From Benevolence to Business: The Story of Two Savings Banks," 312

- Davis, Lawrence B., *Immigrants, Baptists, and the Protestant Mind in America*, reviewed, 235-236
- Davis, Madison, "The Public Career of Montgomery Blair, Particularly with Reference to his Services as Postmaster-General of the United States," 312-313
- Davis, Madison, "The Old Cannon Foundry Above Georgetown, D. C., and its First Owner, Henry Foxall," 301
Richard Beale, 132, 225
- Davis, Richard Beale, "The Intellectual Golden Age in the Colonial Chesapeake Bay Country," 302
William, 95
family, 322
- Davison, Robert C., 281
- Dawson, John, 324
Mrs. John, 324
P.T., 260
- Day, Alan F., 427
- Day, Alan F., "Lawyers in Colonial Maryland, 1660-1715," 302
- "The Day They Burned the Capitol," by Willis Thorton, 311
- Deacon, William, 145
- DEATH IN THE CHESAPEAKE: TWO LIFE TABLES FOR MEN IN EARLY COLONIAL MARYLAND, by Lorena S. Walsh and Russell R. Menard, 211-227
- DEATH RECORDS FROM RICHARD MARKLAND'S COPY BOOK, by Mary K. Meyer, 323-326
- Decatur, Stephen, 268, 318
Mrs. Stephen, 268
- "Declaration of the reason," 135, 136
- DeConde, Alexander, "William Vans Murray's Political Sketches: A Defense of the American Experiment," 307
- Deer Creek, 408
- Deer Park, Garrett County, 280
- "Defending Washington During the Civil War," by Benjamin F. Cooling, 441
- "The Defenses of Washington: General Early's Advance on the Capital and the Battle of Fort Stevens, July 11 and 12, 1864," by William V. Cox, 312
- deGast, Robert, *The Lighthouses of the Chesapeake*, reviewed, 441-442
- Dehler, Katherine B., opp. 243
- DEHLER, KATHERINE B., *Mt. Vernon Place at the Turn of the Century: A Vignette of the Garrett Family*, 279-292
- DeJournett, S. T., "From Baltimore to Wheeling," 307
- Delehay, Henry, 324
Jesse, 324
Mary, 324
Sarah, 324
- Delaplaine, Edward S., "Francis Scott Key and the National Anthem," 307
- de la Roche, Charles, 166
- Delaware History*, 300
- Delaware River, 157
- Demby, Richard, 324
- Demeny, Paul, 220, 221
- Democratic Experience*, by Daniel J. Boorstin, 293-299
- Democratic Party, 233, 234
- Demos, John, 211, 224
- Dennis, Ann, 198
Estelle, 285
family, 198, 201
- Denny, Benjamin, 324
Margaret, 324
Richard, 324
Sally, 324
- Dent, Peter, 422
- Denwood, Arthur, 419
Levin, 419
Pegg, 419
- "Deodands in Colonial Virginia and Maryland," by Cyrus H. Karraker, 304
- Deptford Hundred, Baltimore, 344, 350, 359
- Derry, Laura Miller, 376
- The Descendants of Reverend Christopher Wilkinson of Queen Anne's County, Maryland*, by George B. Wilson, 339
- "Description of the Cypress Swamps in Delaware and Maryland States (1797)," 307
- de Sousa, Mathias, 156
- Deshon-Caton-Carroll house, 338
- "The Development of the 'Valley Line' of the Baltimore and Ohio Railroad," by J. Randolph Kean, 314
- Devitt, E. I., S.J., "Bohemia: Mission of St. Francis Xavier, Cecil County, Maryland," 302
- Devitt, E. I., S.J., ed., "The Clergy List of 1819, Diocese of Baltimore," 307

- Devitt, E. I., S.J., "Letters from the Archdiocesan Archives at Baltimore, Time of Archbishop Carroll," 307
- Devitt, E. I., S.J., ed., "Letters from the Baltimore Archives, Time of Bishop Carroll," 307
- Devitt, E. I., S.J., "Letters of Father Joseph Mosley, S.J. and Some Extracts from His Diary (1757-1786)," 308
- Devitt, E. I., S.J., "Miscellaneous Letters to Bishop John Carroll: 1784-1815," 308
- Devitt, E. I., S.J., ed., "Propaganda Documents: Appointment of the First Bishop of Baltimore," 308
- De Vorsey, Prof. Louis, 445
- Dewey, John, 294
- Dewey Decimal System, 437
- Dexter, Elisabeth A., *Career Women of America, 1776-1840*, 362
- Deysey, Leaven, 96
- "Diary of Archbishop Marechal," 308
- Dick, John, 95
- Dickens, Charles, 258
- Dickenson, Mariah, 324
- Philemon, 324
- Dickey, Robert, 246
- Dickinson, A. E., 46
- Solomon, 324
- Dickinson College, 113
- Dictionary of American Portraits*, 83
- Didier, Eugene L., 250
- Dielman, Louis H., 415
- Digges, Thomas, 310
- William, 132, 135 ff.
- family, 447
- Dilts, James D., Dorsey, John, and, *A Guide to Baltimore Architecture*, reviewed, 336-337
- di Muccia, Chef, 288
- Diocesan Library, 417
- "The Diocese of Baltimore in 1818: Archbishop Marechal's Account of Propaganda, October 16, 1818," 308
- Dirken, Everett, 440
- D. C. Women's Bar Association, 381
- District One, Baltimore, 344 ff., 349 ff., 354, 360
- District Two, Baltimore, 344 ff., 350 ff., 354, 358
- District Three, Baltimore, 344 ff., 350 ff., 354, 358 ff.
- District Four, Baltimore, 344 ff., 350 ff., 357
- District Five, Baltimore, 344
- District Six, Baltimore, 344 ff., 350, 354, 357
- "The District Penitentiary, 1831-1862," by David K. Sullivan, 441
- Divine, Father, 89
- Dixon, Jeremiah, 302 ff.
- Thomas, 97
- Doane, Gilbert H., *Searching for Your Ancestors*, 443
- "Documents: The Maryland Paradox," 302
- Dodd, Donald B., and Dodd, Wynelle S., *Historical Statistics of the South, 1790-1970*, 118
- William E., 335
- Dodd, Wynelle S., and Dodd, Donald B., *Historical Statistics of the South, 1790-1970*, 118
- Doerschuk, Beatrice, 365, 371, 375
- Dominion of New England, 98, 99
- Donald, Cornelius, 95
- Donaldson, Miss, 258
- Donalson, Richard, 399
- Donner Foundation, Inc., 123, 148
- The Dorr War*, by Arthur May Mowry, 4, 19
- Dorsey, Elizabeth, 403
- Hannon, 399
- Jane, 403
- Dorsey, John, and Dilts, James D., *A Guide to Baltimore Architecture*, reviewed, 336-337
- Larkin, 399, 403
- Rhoda M., 246
- Richard, 399, 402
- Shurdine, 399
- family, 398
- Dos Passos, John, 111, 216
- Dos Passos, John, "The Streets of Baltimore," 336
- Doudle, Michael, 406
- "Doughoregan Manor," Howard County, 256, 262, 265, 267, 269, 338
- Douglas, [Stephen], 9
- Douglass, Elisha P., 244
- Frederick, 27-43
- Dove* (ship), 123, 170, 180
- Dowdey, Clifford, "Poe's Last Visit to Baltimore," 313
- Downey, Margaret Brent, "The American Capitoline Hill and Its Early Catholic Proprietors," 302

- Downing, Margaret Brent, "Significant Achievements of the Daniel Carrolls of L'Enfant's Era," 308
- "Dr. Thomas Bray's Trip to Maryland: A Study in Militant Anglican Humanitarianism," by Samuel Clyde McCulloch, 304
- "Dr. William Beanes, The Incidental Cause of the Authorship of the Star-Spangled Banner," by Caleb Clarke Magruder, 309
- Drake, Alfred, 59
Edwin L., 294
Rev. L. F., 47
- Dred Scott, 4 ff., 8, 9, 11 ff., 16 ff., 22 ff.
Dred Scott v. Sanford, 1 ff.
- Drie Jahre in der Potomac-Armee*, by Rudolf Aschmann, 108-109
- Drinkwater, John, 113
- Druid Hill Park, Baltimore, 279
- Duane, William, 76
- Duberman, Martin, 35
- Due, Patrick, 389, 390
- Duffy, John, 218, 226
- Dugan, Mrs. Elisa, 405-408
- Dulany, Daniel, 304, 305, 309
- Dulin, John, 324
- Dumond, D. L., 432
- Duncan, Christian, 420-423
Richard R., 417
- Duncan, Richard R., "The College of St. James and the Civil War: A Casualty of War," 313
- Duncan, Richard R., "Marylanders and the Invasion of 1862," 313
- DUNCAN, RICHARD R., BROWN, DOROTHY M., and, *A Selected Bibliography on Maryland History in Other Journals*, 300-316
- Dunham, Allison, 20
- Dunlap & Orgain, 246
- Dunmore, Lord, 275, 276
- Dunn, Richard S., 144, 223, 224, 226
- Dutton, Edwin C., 377
- Duveen, Sir Joseph, 286
- E
- Earle, Carville V., 142
- Earley, Mary D., and Snow, Richard F., "Baltimore, Through a Glass Darkly," 313
- "The Earliest Reconnaissance of the Chesapeake Area: Captain John Smith's Map and Indian Vocabulary," by Philip L. Barbour, 302
- Early, Bishop John, 57
Gen. Jubal, 313
- "An Early American Patriot," by Edward Mosk and Morey Stanley Mosk, 310
- "Early Chapters in the Development of the Potomac Route to the West," by Cora Bacon-Foster, 306
- "An Early Episode in the Career of Mason and Dixon," by R. Heathcoern Heindel, 303
- "The Early History of the Chesapeake and Delaware Canal," by Ralph D. Gray, 313
- Earp, Charles A., 401
- Earp, Charles A., "The Role of Education in the Maryland Colonization Movement," 313
- Eason, Ruth F., *History of the Town of Glen Burnie*, reviewed, 114-115
- "The East and West Wing of the White House," by Ellen R. Epstein, 440
- East St. Maries, 128
- Eaton, Clement, 435
Gen. John, 369
Peggy, 24, 331
- Eby, Cecil D., Jr., "Philip Pendleton Kennedy: Author of *The Black-water Chronicle*," 313
- Eccleston, Archbishop Samuel, 87, 88, 313
- "Economic Behavior in a Planting Society: The Eighteenth Century Chesapeake," by Aubrey C. Land, 304
- Eddis, William, 274
- Eden, Anthony, 305
Robert, 272, 273, 275
- "Edgar Allan Poe," by N. Bryllion Fagin, 313
- "Edgar Allan Poe and Mrs. Whitman," by Philip Alexander Bruce, 312
- Edison, Thomas, 294, 437
- Edmondson Village, 282
- Edmonson, Susan, 324
- Educational Expeditions International, 148
- Edwin Bennett and the Products of His Baltimore Pottery*, by Eugenia Calvert Holland, 116-117
- "Edward Coote Pinkney," by Wightman F. Melton, 309

- "Edward Coote Pinkney, American Cavalier Poet," by J. P. Simmons, 314
- "The Effect of the Frontier on American History," essay by Frederick Jackson Turner, 238
- THE EFFECTS OF THE CIVIL WAR ON SOUTHERN PROTESTANTISM, by W. Harrison Daniel, 44-63
- Eichelberger, Samuel, 407
- "1862 Brings Hard Times to the Chesapeake and Ohio Canal," by Edwin C. Bearss, 312
- Eisenberg, William E., 54
- Elbert, Dr., 324
- Elder, William Voss, 447
- Elkridge, Howard County, 90, 267, 269
- Elkridge "Hunting" Club, 280
- Ellefson, C. Ashley, "An Appeal of Murder in Maryland," 302
- ELLEN SPENCER MUSSEY AND THE WASHINGTON COLLEGE OF LAW, by Catherine M. Rottier, 361-382
- Ellicott, C. Ellis, 91
- Mrs. C. Ellis, Jr., 317
- Thomas, 17, 88
- Elliott, Stephen, 45, 63
- Ellis, Alice, 423
- Aytoun, 243
- Ellis, John Tracy, "Some Newman Letters from the Baltimore Cathedral Archives," 301
- Morieh, 423
- Elzey, Arnold, 420-423
- Col. Arnold, 423
- James, 420
- Major John, 420
- Margaret (Lindow), Mrs. Arnold, 420, 421
- Sarah, 423
- family, 418
- Emerson, Samuel, 324
- Emory, Elizabeth, 324
- Emory University, 54
- Encyclopedia of American Quaker Genealogy*, by William Wade Hinshaw, 443
- Engelbrecht, Jacob, 307
- Engineering Center, 283
- The Engineering Society, 285
- "The English Ancestry of the Hoxtons of Maryland and Virginia," by Legh W. Reid, 305
- English Convicts in Colonial America, Vol. 1, Middlesex, 1617-1775*, by Peter W. Coldham, 443
- English Presbyterian Meeting House, Baltimore, 344
- "The Ennalls and Waggaman Families of Maryland," 302
- Ensor family, 92
- "The Episcopate of Bishop Kemp of Maryland," by Nelson W. Rightmyer, 310
- Epstein, Ellen R., "The East and West Wing of the White House," 440
- "Equal Protection of the Law and Fair Trials in Maryland," by Henry J. McGuinn, 316
- Equitable Building, Baltimore, 258
- Erickson, Charlotte, *Invisible Immigrants*, reviewed, 109-111
- Erie (ship), 318
- Ernst, Joseph A., 144
- Ervin, Spencer, "The Established Church of Colonial Maryland," 303
- Essary, J. Frederick, "Maryland's Part in Founding the Federal Government," 308
- "The Established Church of Colonial Maryland," by Spencer Ervin, 303
- "The Establishment of Anglicanism in Colonial Maryland," by John H. Seabrook, 306
- Eudowood Hospital, 292
- Evanie, John, 96
- Frank B., 409
- Llewellyn, 166
- Evans, William, *Art and History of the Potting Business*, 201
- Everett, Edward, 322
- Everett, Edward G., "The Baltimore Riots, April, 1861," 313
- Evergreen House Library, 91
- Eversley, D. E. C., 225
- Evitts, William J., *A Matter of Allegiances: Maryland From 1850 to 1861*, reviewed, 433-435
- Ex parte Merryman*, 10, 20
- "Excerpts from Letters in the Baltimore Archives," by Martin I. J. Griffin, 308
- Exon, Henry, 147, 166, 168
- "Extracts from the Records of Third Haven Monthly Meeting of Friends, Easton, Talbot County, Maryland, 1680," by Helen Hopkins Jones, 304

- "Extracts from the Registers of Old St. Peter's Church, Baltimore, Md.," 308
 "Extracts from the Registers of St. Patrick's Church, Baltimore, Md.," 308
Extraordinary Popular Delusions, by Charles Mackay, 240

F

- "F. Scott Fitzgerald: The Hero in Retrospect," by Theodore L. Gross, 315
 Fagin, N. Bryllion, "Edgar Allan Poe," 313
 Fairman, Charles, 9, 10
 Fall, Ralph Emmett, "The Rev. Jonathan Boucher, Turbulent Tory (1738-1804)," 308
 Fallen Timbers, Battle of, 74
 Fallsway, Baltimore, 342, 344, 357
 "Family of John Eager Howard," by McHenry Howard, 303
 Farish, Hunter Dickinson, 49, 60, 124
 Farrand, Max, 240, 383
 Federal Hill, Baltimore, 337
 Federal Hill Park, Baltimore, 343
 "A Federal Surgeon at Sharpsburg," edited by James I. Robertson, Jr., 314
 Federalist Party, 64-85
 Fein, Isaac F., "Baltimore Jews during the Civil War," 313
 Fell's Point, Baltimore, 342 ff., 348, 357, 358, 360
 Feller, John Quentin, Jr., editor, "The Letters of James Cardinal Gibbons to the Shriver Family," 315
 Feller, John Quentin, Jr., editor, "Notations of Cardinal Gibbons on the Conclave of 1914," 315
 Female Bible Society of Annapolis, 90
 Fendall, Josias, 166
 Fenwick, Cuthbert, 305
 Rev. John Ceslas, 309, 310
 Ferguson, Alice L. L., 125
 Ferguson, Eugene S., "The Figure-head of the United States Frigate *Constellation*," 308
 Ferris, Robert G., ed., *Signers of the Declaration*, 338
 Feveumenton, Elizabeth, 324
 Few, William Preston, "Sidney Lanier as a Student of English Literature," 313
 "A Few Abstracts from the Will Books of Annapolis, Maryland," 303
 Fifteenth Missouri Regiment, 108-109
 "The Figure-head of the United States Frigate *Constellation*," by Eugene S. Ferguson, 308
 Filbert, Edwin Bennett, 117
 Filby, P. William, 64, 116, 119, 340, 416, 443
 Filby, P. William, *American and British Genealogy and Heraldry*, 444
 "Financing Antebellum Importers: The Role of Brown Brothers and Company of Baltimore," by Edwin J. Perkins, 314
 Finn's Bath House, 408
 Finn's Bridge, Baltimore, 406
 Finney, Ebenezer D., 91
 Mrs. William Parker, 91
 Firey, Walter, 353
 First Continental Congress, 428, 429
 "The First Cruise of the Privateer *Harpy*," by George A. Nelson, 310
 "First Railroad into Washington and its Three Depots," by Washington Topham, 301
 "First Scientific Expedition of Charles Mason and Jeremiah Dixon," by Thomas D. Cope, 302
 First Unitarian Church of Baltimore, 91
 Fischer, David Hackett, 84, 103
 Fish Street, Baltimore, 406 ff.
 Fisher, W. A., 282
 Fitzgerald, F. Scott, 315
 Fitzhugh, Henry, 225
 William, 91, 132, 139 ff., 143, 225
 Fitzpatrick, John C., 74
 Fleet, Beverly, 152, 157
 Capt. Henry, 125
 Fleharty, Stephen F., 48
 Fleming, Walter L., 55, 63
 Flemmon, John, 324
 Flint, John E., and Williams, Glyndwr, editors, *Perspectives of Empire: Essays Presented to Gerald S. Graham*, 118
 Flood, W. H. Gratton, 306
 Flood of 1817, 405
 Flournoy, Francis R., 52, 53
 "Flowers to Gladden the City," by Arthur Hecht, 441
 Fluvanna Baptist Church, 45, 57
 Foard, F. Millard, 91
 Folie, A. P., 342, 343
 Foner, Philip S., 27, 30, 34 ff., 38, 40, 41, 43
 Fontana, Bernard L., 112

- Forbush, Bliss, *A History of Baltimore Yearly Meeting of Friends*, reviewed, 113-114
- Force, Peter, 271, 383
- Ford, Guy Stanton, 238
- "The Forlorn Hope of Sidney Lanier," by Lewis Leary, 314
- Forman, Henry C., "The St. Mary's City 'Castle,' Predecessor of the Williamsburg 'Palace,'" 303
- Henry Chandlee, 124, 130, 135, 147, 162
- Mrs. M. B., 91
- Fort Lee, N. J., 228
- Fort Louisburg, 112
- Fort McHenry, 337
- Fort Myer, Va., 380
- Fort Recovery, S. D., 445
- Fort Stevens, D. C., 312
- Fort Warren, Mass., 91
- Fort Washington, N. Y., 228
- Fort Washington, Prince George's County, 310
- Fortney, Harold Bruce, "Maryland-West Virginia, Western Boundary," 301
- Fortune, T. Thomas, 237
- The 42nd Parallel*, by John Dos Passos, 111
- Foster, Frank H., 41
- Mrs. J. Ellen, 371
- Foster, James W., "Maps of the First Survey of the Potomac River, 1736-1737," 303
- Foster, James W., "Potomac River Maps of 1737 by Robert Brooke and Others," 303
- Stephen S., 432
- Fountain, Betty (Gillis), Mrs. Marcy, 420
- Marcy, 420
- Nicholas, 420
- "Four Doctors," painting, 291
- Fowler, David, 91
- John H., 91
- Joseph, Jr., 247, 248
- Laurence H., 91
- Mrs. Laurence H., 91
- Robert, 91
- Fowler & Ziegler, 91
- "Foxall-Columbia Foundry," by Louis F. Gorr, 441
- Foxwell, Mrs., 324
- France Foundation, 123, 148
- Francis, J. Henry, "The Star-Spangled Banner: How and Why It Came to be Written," 308
- "Francis Scott Key and the National Anthem," by Edward S. Delaplaine, 307
- Frank, Benis M., "The Relief of General Barnett," 441
- Frankfurter, Felix, 16
- Franklin, Benjamin, 76
- Franklin Institute, 259
- Franzoni, Mr., 307
- "Franzoni and Andrei: Italian Sculptors in Baltimore, 1808," by Richard R. Borneman, 307
- Frazier, Daniel, 97
- FREDERICK DOUGLASS: MARYLAND SLAVE TO RELIGIOUS LIBERAL, by William L. Van Deburg, 27-43
- Frederick Jackson Turner: Historian, Scholar, Teacher*, by Ray Allen Billington, reviewed, 237-240
- Frederick Street, Baltimore, 358, 406, 408
- The Free-Soilers: Third Party Politics, 1848-54*, by Frederick J. Blue, reviewed, 332-333
- "The Freedmen's Bureau and Civil Rights in Maryland," by W. A. Lowe, 314
- French, Mrs., 260
- "French Criticism of Poe," by George D. Morris, 314
- French, Daniel Chester, 440
- "The French Farmers - General in the Chesapeake: The MacKercher-Huner Mission of 1737-1738," by Jacob M. Price, 305
- Frenchtown, 257
- Frey, Emil, 108
- Frick, William F., 282
- Friedland, William, 30
- Friedman, Bernard, 428
- Frisbee, Lt. Rob R., 91
- "From Baltimore to Wheeling," by S. T. DeJournett, 307
- "From Benevolence to Business: The Story of Two Savings Banks," by Lance Edwin Davis and Peter Lester Payne, 312
- "From Chancellorsville to Gettysburg, A Doctor's Diary," edited by D. C. Brinton Thompson, 314
- Front Street, Baltimore, 343
- Fryer, Sarah, 324

Fulford, Capt. John, 93-97

Fundamental Testaments of the American Revolution, reviewed, 430-431

G

Gaddess family, 92

Gaddess Bros., 92

Gage, Mathilda Joslyn, 365

Gale, Doan, 420

Major George, 420

Gales, Joseph, 260

Sarah Juliana Maria (Lee), Mrs.

Joseph, 260

Gallagher, John Joseph, editor, "The Theodore Roosevelt Letters to Cardinal Gibbons," 315

Gallatin, Albert, 441

"Gallaudet College: A High Victorian Campus," by Francis R. Kowsky, 440

Gantt, Anne Stoughton (Sloss), Mrs. Edward, 420

Edward, 420, 423

Rev. Edward, 418, 425

Edward Sloss, 420

Eleanor, 420

John, 420

Thomas Sloss, 420

William Stoughton, 420

Gardner, Israel, 406

Garfield, James A., 92

Garibaldi Guard, 108

Garitee, Jerome R., 245

Garrett, Elizabeth, 290

Elizabeth (Stouffer), Mrs. Robert, 290

John W., 279, 280, 282, 290

Mary, 290

Mary Elizabeth, 279, 290

Mary Sloan (Frick), Mrs. Robert, 282, 284, 285 ff.

Robert, 88, 279 ff., 286, 289

Robert, & Co., 282

Robert, & Sons, 282

family, 279-292

Garrett Fund, 290

Garrettson, Freeborn, 311

Garrison, William Lloyd, 36, 40, 42, 43, 107, 432

Gary, James A., 92

Louisa M., 92

Gatchell, Howell L., 92

Samuel H., 92

Gatell, Frank Otto, "Secretary Taney and the Baltimore Pets," 313

Gates, Horatio, 271

Gaustad, Edwin S., 241

Gautier, Etienne, 212

Gavins, Raymond, 237

Gay Street, Baltimore, 266, 342, 343, 357, 358, 406, 408

Geddes, Mary (Handy), Mrs. William, 420

Robert, 420

Susannah, Mrs. William, 420

William, 420

GENEALOGICA MARYLANDIA, 93, 327, 418

Genealogical Publishing Company, 228, 443

Genealogical Research in Maryland, by Mary K. Meyer, 340

General Assembly of the Presbyterian Church in the Confederate States of America, 55, 57

General Conference of the Methodist Episcopal Church, South, 57

General Fund, Maryland Historical Society, 122

"General James A. Wilkinson and His Religious Affiliation," by Raphael N. Hamilton, 308

General Synod of the Evangelical Lutheran Church in the Confederate States of America, 56

"The Genesis of the Baltimore Ironworks," by Keach Johnson, 304

"Genesis of a Colonial Fortune: Daniel Dulany of Maryland," by Aubrey C. Land, 304

The Genessee Chief v. Fitzhugh, 12

George III, King of England, 229

George, Samuel K., 282

GEORGE L. RADCLIFFE, 1877-1974, by Samuel Hopkins, between 340-343

The George Washington University, 148, 367, 373, 374

"Georgetown — A Continuing Battle," by Mathilde D. Williams, 441

"Georgetown and the Tobacco Trade, 1751-1783," by Richard K. MacMaster, 309

Georgetown Law Journal, 14

Georgetown University Law School, 365, 374

Georgia Historical Review, 300

Georgia Relief and Hospital Association, 45

- "Georgia's Confederate Dead in the Frederick, Maryland, Cemetery," by George T. Ness, Jr., 314
- Gerard, Thomas, 137
- Gerlach, Don R., 430
- Germain, Lord George, 275
- German Calvinist Meeting House, Baltimore, 344
- German Reformed Church, Baltimore, 344
- German Lutheran Church, Baltimore, 344
- Gest, William, 324
- Gibbons, James Cardinal, 315, 316
- Gibbs, George, 68, 71, 72, 73, 78, 80, 82 ff.
- Gibson, D., 409
- Gibson, Jeremy, *Wills and Where to Find Them in Great Britain*, 443
John, 324
Washington, 324
- Gibson, R. Hammond, *Colonial Silver*, 444
- Giddings, Joshua, 332
- Gihon, William, & Son, 246 ff., 250
- Gilb, Corinne Lathrop, 382
- Gilbert, Charles, 244, 251
Dorothy L., 54
- "Gilbert Stuart in Washington," by Charles Merrill Mount, 440
- Gilchrist, David T., 246
- Gilles, Mr., 258
- Gillespie, Elizabeth Duane, 437
- Gillett, Emma M., 361, 366, 368 ff., 377, 380, 381
Mrs. Page Swann, 398
- Gillis, Thomas, 420
- Gilman, Daniel Coit, 113
- Gilmor, Robert, 90, 250, 251, 258, 261, 264 ff., 269, 270, 410
Sarah Reeve Ladson, Mrs. Robert, 261, 269, 270
- Gilpin, Elizabeth, 259, 266
Henry D., 256-270
Joshua, 256, 257, 259, 260, 262, 266
Mary (Dilworth), Mrs. Joshua, 259
Thomas, 256
- Gimpel, Rene, 286, 287
- Girard, Stephen, 244
- Givens, George, 95
- Glass, D. V., 225
- Glen Burnie, Anne Arundel County, 114
- Glen Burnie Improvement Association, 115
- Glenn family, 114
- Glidden, D., 116, 117
Dorothy, 337, 438
- A GLIMPSE OF BALTIMORE SOCIETY IN 1827: LETTERS BY HENRY D. GILPIN, by Ralph D. Gray and Gerald E. Hartdagen, 256-270
- The Glorious Enterprise: The Centennial Exhibition of 1876 and H. J. Schwartzman, Architect-in-Chief*, by John Maass, reviewed, 436-438
- The Glorious Revolution in America*, by David S. Lovejoy, reviewed, 98-100, 328
- Goddard, William, 248, 250
- Godefroy, Maxmilian, 337
- Goldsborough, Charles, 275, 448
Greenbury, 324
- Goldsborough, Henry H., ed., "Maryland Notes," 303
James, 324
Mrs. Merier, 324
Nicholas, 324
Richard, 324
Robert, 448
Tilghman, 324
- Goldsmith, Hannah, 420, 423
- Gordon, Douglas H., 291
- Gordon, Martin K., "The Black Militia in D. C., 1867-1898," 441
- Gore, Christopher, 71
- Gorman, Arthur P., 92, 316
John, 96
- Gorr, Louis F., "Foxall-Columbia Foundry," 441
- Gorsuch, Joshua, 92
family, 92
- Gossage, Charles, 324
Daniel, 324
Sarah, 324
- Gough Street, Baltimore, 344
- Gould, Clarence P., 342
- Govan, Thomas P., 107, 254
- "Governor Nicholson to the Board of Trade," 303
- Governor's Field, St. Mary's City, 126, 128 ff., 153
- Grace, Elizabeth, 324
- Grace and St. Peter's Church, Baltimore, 292
- Graham, Alexander, 324
Gerald S., 118
Mrs. J. Stirling Goldsborough, 448

- Grant, Ulysses S., 61
 Grase, Samuel, 324
 Grassby, Richard, 140
 Gravely, William, 30
 Graves family, 92
 Gray, John, 324
 Gray, L. C., "The Market Surplus Problems of Colonial Tobacco," 303
 Lewis C., 173
 Ralph D., 243, 256
 Gray, Ralph D., "The Early History of the Chesapeake and Delaware Canal," 313
 Gray, Ralph D., "Philadelphia and the Chesapeake and Delaware Canal, 1769-1823," 308
 GRAY, RALPH D., and HARTDAGEN, GERALD E., *A Glimpse of Baltimore Society in 1827: Letters by Henry D. Gilpin*, 256-270
 THE GREAT BALTIMORE DELUGE OF 1817, by Ralph D. Nurnberger, 405-408
 Great Falls of the Potomac, 446
 "Great House," St. Peter's Freehold, 130, 138
 Green, Henry F., 61
 Bishop William, 48
 "Green Mount," Baltimore, 264
 Green Spring and Worthington Valley Planning Council, 92
 Greene, Edwin F., 92
 Mrs. F. A., 92
 Jack P., 229
 Greene Street, Baltimore, 342
 Greenmount Cemetery, Baltimore, 280
 Greenville Ladies' Association, 45
 Greenway, Edward M., 282
 Greenwood, Val D., *The Researcher's Guide to American Genealogy*, 340
 Greenwood, W. Bart, *The American Revolution, 1775-1783: An Atlas of 18th Century Maps and Charts: Theatres of Operations*, 444-445
 Gregg, Alan, 438
 Gregorie, Ann, 264, 266, 270
 Greven, Philip J., Jr., 211, 224
 Grier, Justice [Robert C.], 9
 Griesheimer, Caroline I., 376
 Griffin, Martin I. J., "The Archives of Baltimore," 308
 Griffin, Martin I. J., "Excerpts from Letters in the Baltimore Archives," 308
 Griffith, Mary Black, 92
 family, 322
 Griffith's Bridge, 408
 Groome, Charles, 95
 Mrs. William, 324
 Gross, Theodore L., "F. Scott Fitzgerald: The Hero in Retrospect," 315
 Guest, Boyd, "Sidney Lanier's Feminine Ideal," 313
 George, 282
 Guibert, Joshua, 420, 421
A Guide to Baltimore Architecture, by John Dorsey and James D. Dilts, reviewed, 336-337
 Guilday, Peter, editor, "The Appointment of Father John Carroll as Prefect-Apostolic of the Church in the New Republic (1783-1785)," 308
 Guilford College, 54
 Gunpowder Grange #127, 92
 Gutman, Herbert, 110
- ## H
- "H. L. Mencken, A Postscript," by Charles Angoff, 315
 "H. Niles, the Man and the Editor," by Norval Neil Luxon, 309
 "Habre-de-Venture," Charles County, 338
 Hagan, Horace, 5
 John, 247
 Hagley Museum, 337
 Haines, Charles Grove, *Conflict over Judicial Powers*, 4, 5, 14, 22
 Hale, Matthew, 387
 Nathan C., 126, 181
 Hales Ford, Va., 236
 Haley, Thos., 96
 Hall, Mr., 399
 Dr., 400, 403
 Hall, Clayton Coleman, 125, 156, 342
 Hall, Clayton Coleman, *Baltimore*, 349, 351, 356
 George, 96
 Isaac, 348
 Michael G., 328
 Hall, Michael G., "Some Letters of Benedict Leonard Calvert," 303
 Hall of Records, 91, 327, 415, 417
 Haller, Mark H., "The Rise of the Jackson Party in Maryland, 1820-1829," 313
 Hailliday, E. M., Norton, Paul F., and, "Latrobe's America," 310

- Halsey, Columbia E., O.S.B., "The Life of Samuel Eccleston, Fifth Archbishop of Baltimore, 1801-1851," 313
 Laura H., 374, 377
- Hamilton, Dr., 259
- Hamilton, Alexander, 19, 65 ff., 75, 78 ff., 271
- Hamilton, Raphael N., "General James A. Wilkinson and His Religious Affiliation," 308
- "Hamilton's Literary History of the *Maryland Gazette*," by J. A. Leo Lemay, 304
- Hambleton, John, 319
 John Needles, 319
 Louisa, 318, 319
 Samuel, 317
 Col. Samuel, 321
 William, 317
- Hamlen family, 115
- Hamlin, Hannibal, 333
- Hampden-Sydney College, 52
- Hammond, John Martin, 262, 263, 265, 267
 Mathew B., 254
- Hampton Roads, Va., 320
- Hancock, Harold B., 256, 266
- Handy, Capt. John, 420
 Levin, 410
- Hankins, Virginia, 313
- Hanley, Thomas O'Brien, "The Catholics and Anglican Gentry in Maryland Politics," 303
- Hanley, Thomas O'Brien, "His Excellency's Council: Maryland, 1715-1720," 303
- Hannon, Henry, 398-404
- Hanover Market House, Baltimore, 344
- Hanover Street, Baltimore, 344
- "The Hard Luck Frigate," by A. B. C. Whipple, 311
- Hardesty, James, 96, 97
- Harding, Walter, editor, "Sidney Lanier and Virginia Hankins: Two Letters," 313
- Harford Images*, by Charles L. Robbins and Selman G. Wright, 338
- Harlan, John, 380
- Harlan, Louis R., *Booker T. Washington: The Making of a Black Leader, 1856-1901*, reviewed, 236-237
- Harman, Henry E., "Sidney Lanier — A Study," 317
- Harman, Henry E., "A Study of Sidney Lanier's 'The Symphony,'" 313
- Harmer, Harvey W., "When, Where, and Why the Mason-Dixon Line Was Run," 303
- Harmon, A. C., "Map of Annapolis-Alexandria Road," 308
- Harold, Rev. W. V., 309
- HAROLD RANDALL MANAKEE, 1908-1974, by Harry Bard, before 243
- Harper, Catherine (Carroll), Mrs. Robert Goodloe, 258, 262, 447
 Charles, 256, 258, 266, 267
 Charles Carroll, 258, 259, 261, 447
 Charlotte Chiffelle, Mrs. Charles Carroll, 261
 Emily, 269, 447
 Ida Husted, 372
 Robert Goodloe, 65, 78, 81, 258, 262, 265, 267, 447
- Harper's Ferry, W. Va., 262, 266, 314
- Harpy* (ship), 310
- Harris, Elizabeth, 114, 374, 381
 Joel Chandler, 113
 P. M. G., opp. 123, 140, 211
- HARRIS, P. M. G., MENARD, RUSSELL R., and CARR, LOIS G., *Opportunity and Inequality, 1638-1705*, 169-184
 Tom, 237
 William, 325
 William Hall, 321
- Harrison, Mrs., 325
 A. P., 325
 Bond, 325
 Mrs. E., 325
 Lucy H., 418
 Richard, 191
 Samuel, 186, 187, 189 ff.
 Samuel A., 315, 318
- Harrison Street, Baltimore, 406 ff.
- Harriss, R. P., "April Weather: The Poetry of Lizette Woodworth Reese," 315
- Hart, Michael, 96
- Hartdagen, Gerald E., opp. 243
- Hartdagen, Gerald E., "The Anglican Vestry in Colonial Maryland: Organizational Structure and Problems," 303
- Hartdagen, Gerald E., "The Anglican Vestry in Colonial Maryland: A Study in Corporate Responsibility," 303

- Hartdagen, Gerald E., "Vestry and Clergy in the Anglican Church of Colonial Maryland," 303
- HARTDAGEN, GERALD E., GRAY, RALPH D., and, *A Glimpse of Baltimore Society in 1827: Letters by Henry D. Gilpin*, 256-270
- Hartley, Greene, & Co., 200
- Hartogensis, B. H., "Notes on Early Jewish Settlers of Baltimore," 308
- Hartogensis, Benjamin H., "The Sephardic Congregation of Baltimore," 313
- Hartogensis, Benjamin H., "Unequal Religious Rights in Maryland since 1776," 301
- Hartsook, Elisabeth, 212
- Hartwell, Henry, 124
- Hartzell, Joseph, 30
- Harvard Law School, 365, 441
- Harvey, Katherine A., "The Knights of Labor in the Maryland Coal Fields, 1878-1882," 315
- Harwood, Mr., 325
- Hastings, John, 246
- Hatcher, William E., 63
- Hathaway, Grace, 366, 367, 373, 378, 380
- Hatton, Thomas, 128, 197
- Hawley, Jerome, 125
- Hay, John, 2
- Hayes, J. Carroll, "Penn vs. Lord Baltimore: A Brief for the Penns. In Re Mason and Dixon Line," 303
- Haynes, Dr. W. Tyler, 340
- Hayward, Ann, 420
John, 420
Sarah (Elzey), Mrs. Thomas, 420
Thomas, 325, 420
- The Head and Heart of Thomas Jefferson*, by John Dos Passos, 111
- Heaney, Havill J., editor, "Advice to the Law Student: A Letter of William Wirt in the Hampton L. Carson Collection of the Free Library of Philadelphia," 308
- The Heart of Blackstone*, 376
- Heathcote, Charles W., 56
- "Hebrew Volunteers in Maryland," by Menasseh Vazer, 315
- Hecht, Arthur, "Flowers to Gladden the City," 441
Irene W. D., 171, 211
- Heindel, R. Heathcoem, "An Early Episode in the Career of Mason and Dixon," 303
- Heine, Cornelius W., "The Chesapeake and Ohio Canal; Testimony to an Age Yet to Come," 301
- Heiss, Willard, 443
- Heitman, Francis B., *Historical Register of Officers of the Continental Army*, 119
- Hellerich, Mahlon, 19, 20, 24
- Hemphill, James, 310
John M., 173, 183
- Hench, John B., 119
- Henderson, H. J., 428
Howard, 61
- Henig, Gerald, 435
- Henig, Gerald, *Henry Winter Davis: Antebellum and Civil War Congressman from Maryland*, reviewed, 333-334
William W., 142
- Hennessey, James, S.J., "The Baltimore Council of 1866," 313
- Henninghausen, Mrs. Frederick H., 322
- Henretta, James A., 169
- Henry, H. T., "The Air of the 'Star-Spangled Banner,'" 308
Rev. H. T., 306
Louis, 212
Patrick, 71, 433
- Henry Winter Davis: Antebellum and Civil War Congressman from Maryland*, by Gerald Henig, reviewed, 333-334
- Hens, Clarice F., 381
- Her Majesty v. Macnemara and Mitchell*, 391 ff.
- Hering, Joshua Webster, 321
- Heritage of Excellence: The Johns Hopkins Medical Institutions, 1914-1947*, by Thomas B. Turner, M.D., reviewed, 438-440
- Herman, Lynne, 207
- Herrman, Augustine, 157, 169
- Herron, Mary Eulalia, "The Work of the Sisters of Mercy in the United States, Archdiocese of Baltimore (1852-1921)," 301
- Hertal, Mrs. Dorothea, 419
- Hervey-Bathurst, Sir Felton, 447
- Hesseltine, William B., 63
- Heulings, Ashael, 95
- Hewes, William, 158
- Hewett, C. A., 151

- Hewitt, Rebecca, 46
Hewlett, Mrs., 325
Heyl, Edgar, 119
Heyl, Edgar, *I Didn't Know That!*, 116
Hibernian Society of Baltimore, 321
Hicks, Elias, 114
 John, 112, 113, 128, 145
 Thomas H., 434
 William, 145
Hide, John, 95, 97
Hiden, Martha Woodruff, 157
Higginbotham, Don, 230
 Sanford W., 332
Higginbottom, Joel, 95
Higgins, Josiah, 325
 Luzsita, 325
Hill, Helen F., 376
 Isaac, 325
 John, 325
 Robert, 97
 Robert C., 95
Hindman, Col., 407
Hinshaw, William Wade, *Encyclopedia of American Quaker Genealogy*, 445
Hinton, Emily Harper, 262, 264
"His Excellency's Council: Maryland, 1715-1720," by Thomas O'Brien Hanley, 303
His Lordship's Manor, 129
His Lordship's Patronage, by Donnell M. Owings, 327
The Historian, 300
Historic American Buildings Survey, 191
"An Historic Corner of Old Maryland," by Charles Warren Currier, 302
"Historic Fort Washington on the Potomac," by James Dudley Morgan, 310
"The Historic Potomac River," by William Edgar Rogers, 310
THE HISTORICAL DEVELOPMENT OF THE MANUSCRIPTS DIVISION OF THE MARYLAND HISTORICAL SOCIETY, by Richard J. Cox, 409-417
Historical Foundation of the Presbyterian and Reformed Churches, 55
Historical Records Survey, 415
Historical Register of Officers of the Continental Army during the War of the Revolution, 1775-1783, by Francis B. Heitman, 119
Historical Statistics of the South, 1790-1970, by Donald B. Dodd and Wynelle S. Dodd, 118
History Magazine of the Protestant Episcopal Church, 300
A History of the Baltimore Yearly Meeting of Friends: Three Hundred Years of Quakerism in Maryland, Virginia, the District of Columbia, and Central Pennsylvania, by Bliss Forbush, reviewed, 113-114
History of Talbot County, by Oswald Tilghman, 317, 318
A History of the Town of Glen Burnie, by Ruth F. Eason, reviewed, 114-115
History of the United States, by James Schouler, 3
Hobelmann, Mrs. Herman A., 322
Hock, William, 96
Hocking, William J., 238
Hodder, F. H., 9
Hodges, Ben, 251
Hoffman, David, 261
 Henry W., 434
 John, 261
 Ronald, 144
Hoffman, Ronald, "The Press in Mercantile Maryland: A Question of Utility," 308
Hoffman, Ronald, *A Spirit of Dissension*, reviewed, 426-427
 S. Owings, 434
 W. H., 284
Hogart, Henry A., 381
Hoge, Moses D., 50
Holbrook, Stewart, 240
Holdsworth, William S., 384
Holland, Eugenia Calvert, *Edwin Bennett and the Products of His Baltimore Pottery*, 116
 Francis, 191
 Frederic May, 40
"Holland's Hills," Anne Arundel County, 191
Hollander, J. H., "The Civil Status of the Jews in Maryland, 1634-1776," 303
Hollander, J. H., "Some Unpublished Material Relating to Dr. Jacob Lumbrozo, of Maryland," 303
Holliday Street Theater, Baltimore, 344
Hollingsworth, T. H., 212, 221, 224, 225
"Holly Hill," Anne Arundel County, 186-194
Hollyday, James, 272
Holmes, John, 325
 Oliver Wendell, 88

- Holmes, Oliver Wendell, "The Colonial Taverns of Georgetown," 303
- Holway, John, Winters, Jesse "Nip," and, "Baseball Reminiscences," 441
- Home of Fallen Women, Baltimore, 90
- Homer, Charles C., 321
- "Homewood," Baltimore, 262 ff.
- Hoole, W. Stanley, 50
- Hopkins, Charles H., 41
James, 325
Nathaniel, 325
- HOPKINS, SAMUEL, *George L. Radcliffe*, 1877-1974, between 340-343
Vincent, S.J., 20
- Hopper, Judge, 325
- The Horseshoe of the Potomac in the Days of Witches, Wenches, and Cannibals*, 1640-1776, by Sumner Wood, Sr., 445-446
- Horseshoe Point, 125
- Hoskins, W. G., 226
- Hotspur (horse), 262
- House and Garden Pilgrimage, 120
- Hovey, Daniel, 95
- "How Pittsburgh Gained an Additional Rail Outlet to Seaboard in the Twentieth Century," by Homer T. Rosenberger, 316
- Howard, Benjamin C., "Victory in Maryland," 313
Elizabeth Phoebe Key, 321
Frank Key, 91
George, 279, 280, 290
John Eager, 282, 303
Lord, of Effingham, 99
- Howard, McHenry, "Family of John Eager Howard," 303
Martin, 230
Mary, 321
William, 444
- Howard College, 54
- Howard University, 369, 374
- Howard Volunteers Company, 401
- Howe, John R., Jr., 81
William, 228
- Howland, Richard H., and Spencer, Eleanor P., *Architecture of Baltimore*, 336
- Howry, Charles B., 371
- Hoxton family, 305
- Hoyt, William D., Jr., "Articles of Agreement for the *Galley Conqueror*, 1779," 308
- Hoyt, William D., Jr., "A Contemporary View of the Acadian Arrival in Maryland," 303
- Hoyt, William D., Jr., "John McDonogh and Maryland Colonization in Liberia, 1834-1835," 313
- Hoyt, William D., Jr., "Land for a Cathedral: Baltimore, 1806-1817," 309
- Hoyt, William D., Jr., "Two Maryland Farm Leases," 309
- Hubbell, John T., 240
- Hubbert, Mrs. Mary, 325
- Huber, Mr., 305
- Hudson, Randall O., 436
Winthrop S., 241
- Huet, Rev. John, 418
- Huggins, P. J., 153
- Hughes, Charles Evans, 10, 11
Howard, 297
Thomas, 128, 153, 156, 322
- Hughley, Alan, 207
- Hume, Ivor Noel, 112, 150
- Hunter, Wilbur H., "Baltimore Architecture in History," 336
- Hunter, Wilbur H., Jr., "Baltimore's War," 309
- Hunter, Wilbur H., Jr., "The Battle of Baltimore Illustrated," 309
- Hunter, Wilbur H., Jr., "Philip Tilyard," 313
- The Huntress*, 106
- Hurst, John F., 60
- Huxley, T. H., 437

I

- I Didn't Know That! An Exhibition of First Happenings in Maryland*, by Edgar Heyl, 116
- The Image*, by Daniel J. Boorstin, 297, 299
- "The Image of the Negro in the *Maryland Gazette*, 1745-75," by Donald D. Wax, 306
- Immigrants, Baptists, and the Protestant Mind in America*, by Lawrence B. Davis, reviewed, 235-236
- "Immigration between Virginia and Maryland in the Seventeenth Century," by John Bailey Calvert Nicklin, 305
- IN MEMORIAM: GEORGE L. RADCLIFFE, before 243
- "The Indentured Servant and Land Speculation in Seventeenth Century Maryland," by Abbot Emerson Smith, 306

Independent Beef Co., 322
 Independent Presbyterian Church, 56
Index of Marriage Licenses, Prince George's County, Maryland, 1777-1886, by Helen W. Brown, 119
 Indian Peter, 156
 Indiana Historical Society, 443
 Indians:
 Five Nations, 125
 Iroquois, 125
 Piscataway, 125
 Senecas, 125
 Susquehannocks, 125
 Yoacomicos, 125
 "Inflation in Revolutionary Maryland," by Elizabeth Cometti, 307
 Ingersoll, Robert, 36, 40, 41, 372
 Ingle, Edward, "Maryland's Greatest Politician: Cecilius Calvert's Career as an Index to the History of the Palatine," 303-304
 Richard, 126, 181
 Ingle Lodge for Girls, 322
 Ingle's Rebellion, 135, 181, 182
 Inloes, Joshua, 345
 Institute of the History of Medicine, 439
 "The Intellectual Golden Age in the Colonial Chesapeake Bay Country," by Richard Beale Davis, 302
Into the Cauldron, by John J. Peterson, 117
Invisible Immigrants: The Adaptation of English and Scottish Immigrants in Nineteenth Century America, by Charlotte Erickson, reviewed, 109-111
 "The 'Invisibles': A Chapter in the Opposition to President Madison," by John S. Pancake, 310
 Irby, Richard, 52
 Ireland, Robert M., "William Pinkney: A Revision and Re-emphasis," 309
 Irons, George V., 55
 Irving, Clifford, 297
 Israel, Stephen, 128, 145
 Ives, J. Moses, "The Catholic Contribution to Religious Liberty in Colonial America," 304

J

Jackson, Mr., 163
 Andrew, 1, 2, 5, 6, 12, 14, 19, 24, 87, 88, 240, 254, 257, 260, 318, 319, 330, 331, 440
 Delia Sheldon, 369, 375 ff.
 Howard W., 322
 Isaac Rand, 447
 John, 399, 403
 Louisa Catherine (Carroll), Mrs. Isaac Rand, 447
 Mathu, 325
 Nelson, 403
 Nicholas, 399, 403
 Nicholas, Jr., 403
 Richard, 403
 Ronald, 339
 Jackson's tanyard, 168
 Jacobs, Dr. Henry, 284, 286, 288, 292
 Mary Frick (Garrett), Mrs. Henry, 279, 284 ff., 291, 292
 Jacobsen, G. A., 99
 James II, King of England, 135
 James, Bessie Rowland, *Anne Royall's U.S.A.*, reviewed, 105-106
 Charles, 226
 Mrs. Mary, 325
 "James Blair, Commissary," by G. MacLaren Brydon, 302
 "James Hemphill's Account of a Visit to Maryland in 1802," by John A. Munroe, 310
 "James Whitfield, Fourth Archbishop of Baltimore, the Episcopal Years: 1828-1834," by Matthew Lee Pancyzk, 314
 Jameson, J. Franklin, 239
 Jamison, Helen, 381
 Richard A., 321
 Janes, Henry, 283, 285
 Janney, Mahlon Hopkins, 322
 Jansen, Andrew, 419
 Jarboe, J. Patrick, M.D., 158
 Jay, John, 67, 83, 322
 Mary Gouldsmith Elizabeth, Mrs. John, 322
 Jefferson, Thomas, 64 ff., 76, 78 ff., 82 ff., 103, 104, 240, 257, 261, 295, 296, 317, 331
 "Jeffersonians in Local Politics along the Pennsylvania - Maryland Border," by Frederic Shriver Klein, 309
 Jeffreys, George, 1
 Jenifer, Daniel of St. Thomas, 113
 Jenkins, Elizabeth, 325
 George, 325
 John W., 325
 Jenkins, John Wilber, "The Poems of James Ryder Randall," 314
 Jennison, William, 95, 97
 Jensen, Merrill, 430

- Jensen, Oliver, "The Peales," 309
 Jester, Annie Lash, 157
 Jeter, J. B., 63
 Jewell, Horace, 55, 57
John Adams (ship), 319, 320
John Dos Passos' Path to U.S.A.: A Political Biography, 1912-1936, by Melvin Landsberg, *reviewed*, 111-112
 "John M. Langston and the Rise of the Harvard Law School," by Maxwell Bloomfield, 441
 "John McDonogh and Maryland Colonization in Liberia, 1834-1835," by William D. Hoyt, Jr., 313
 "John Pendleton Kennedy: Author of *The Black-water Chronicle*," by Cecil D. Eby, Jr., 313
 "John Pendleton Kennedy: Late Disciple of the Enlightenment," by Clarence P. Walhout, 315
 "John Pendleton Kennedy and the Civil War: An Uncollected Letter," edited by Roland C. Burton, 312
John Randolph of Roanoke, 1773-1833, by William Cabell Bruce, 448
 "John Singer Sargeant [Sargent] at the White House," by Charles Merrill Mount, 440
 Johns, Capt. Kensey, II, 322
 Kensey, III, 322
 The Johns Hopkins Hospital, 292
The Johns Hopkins Medical Journal, 438
 The Johns Hopkins Medical School, 290, 291
 The Johns Hopkins School of Medicine and Hospital, 438-440
 The Johns Hopkins School of Nursing, 321
 Johnson, Andrew, 61, 62, 368
 Cecil, 57
 Christopher, 160, 228
 Gerald W., 112
 John Lipscomb, 57
 Johnson, Keach, "The Baltimore Company Seeks English Markets: A Study of the Anglo-American Iron Trade, 1731-1755," 304
 Johnson, Keach, "The Genesis of the Baltimore Iron Works," 304
 Livingston, 46
 Monroe, 9
 Nicholas, 95
 Oliver, 36
 Reverdy, 113
 Thomas, Jr., 271, 272
 Thomas C., 55
 Johnston, Dr. Christopher, 317
 Samuel, 230
 "Jonathan Boucher: Champion of the Minority," by Robert G. Walker, 311
 Jones, Alfred, 322
 Alice Hanson, 169, 176
 Ann, 421
 Elizabeth (Guibert), Mrs. Thomas, 420, 421
 Evan, 391
 Jones, Frank Martin, "Description of the Cypress Swamps in Delaware and Maryland (1797)," 307
 Frank N., 279
 Jones, Helen Hopkins, "Extracts from the Records of the Third Haven Monthly Meeting of Friends, Easton, Talbot County, Maryland, 1680," 304
 Hugh, 225
 Rev. Hugh, 304, 305
 Capt. John, 422
 John Briton, 421
 Margaret, 421
 Richard, 421
 Jones, Robert F., "The Naval Thought and Policy of Benjamin Stoddert, First Secretary of the Navy, 1798-1801," 309
 Sarah, 421
 Solomon, 96
 Thomas, 420, 421
 Capt. Thomas, 421
 William, 421
 Capt. William, 325
 Jones Falls, Baltimore, 90, 250, 264, 405, 407
 "The Jones-Imboden Raid," by Festus P. Summers, 314
 Jones Town, Baltimore, 342
 Joppa Town, Baltimore County, 322
 Jordan, David William, 135
 Jordan, David William, Carr, Lois Green, and, *Maryland's Revolution of Government, 1689-1692*, *reviewed*, 327-328
 Jordan, John W., "Penn versus Baltimore, Journal of John Watson, Assistant Surveyor to the Commissioners of the Province of Pennsylvania, 1750," 304

Jordan, Weymouth T., "Some Problems of Colonial Tobacco Planters: A Critique," 304

Josephson, Matthews, 240

Journal of American History, 300

Journal of Negro History, 300

"The Journal of Robert Mills, 1828-30," edited by Hennig Cohen, 312

Journal of Southern History, 300

"Journal of William Black, 1744," edited by R. Alonzo Brock, 302

Journalism Quarterly, 300

Jungnickel, Ross, 88

K

Kahl, Mary Catherine, 235

"Kalamazoo: Country Estate to Washington Mayfair," by Mary Mitchell, 441

Kammen, Michael G., ed., "Maryland in 1699: A Letter from the Reverend Hugh Jones," 304

Kammen, Michael, ed., "What Is the Good of History?" *Selected Letters of Carl L. Becker, 1900-1945*, reviewed, 336

Kantmann, Sandra M., 416

Kane, G. K., 406

Karinen, Arthur, 171, 176

Karraker, Cyrus H., "Deodands in Colonial Virginia and Maryland," 304

Kassan, Gail K., "The Old Post Office Building," 440

Kayser, Elmer L., "Columbian Academy, 1821-1897," 440-441

Kean, J. Randolph, "The Development of the 'Valley Line' of the Baltimore and Ohio Railroad," 314

Kearney, George, 381

Major J., 198

Keck, Andrew S., "Clark Mills' Equestrian Statue of Andrew Jackson," 440

Kelby, Robert H., 119

Kelley, Abby, 433

Kellogg, Louise P., 238

Kelly, Darby, 96

J. Frederick, 153

Kevin, 217

Kelso, William M., "Shipbuilding in Virginia, 1763-1774," 441

Kemp, Bishop, 310

Samuel, 325

Dock Samuel, 325

Sarah, 325

Yarnal, 325

Kendall, Amos, 88

Kennard, Samuel, 325

Kennedy, John, 95

John F., 297

John Pendleton, 312, 313, 315

Kenney, Lawrence, 95

Kent (brig), 402, 403

Kent, Frank R., 243

Kent Island, 387

Kentmere, Delaware, 265, 266, 270

Kentucky Resolutions, 65

Kenyon, Cecelia, 430

Kenyon College, 333

Kenrick, Archbishop Francis P., 311, 314

Kerby, James, 197

William, 197, 199, 200

family, 198

Kerr, John L., 325

Kerwood, John R., compiler and editor, *The United States Capitol: An Annotated Bibliography*, reviewed, 442

Ketcham, Ralph L., Bell, Whitfield J., Jr., and, "A Tribute to John Bartram," 307

Ketchum, Richard M., *The Winter Soldiers*, reviewed, 228-230

Key, Francis Scott, 113, 116, 307

Keyser, Mary Washington, 415

Keyser Bldg., Maryland Historical Society, 415

Kidder, Mrs. Herrick F., 321

King, Martin Luther, Jr., 117

Robert, 137

Rufus, 68 ff., 79, 80, 82

King, William, "Lord Baltimore and His Freedom in Granting Religious Toleration," 304

King and Queen County, Va., 340

King's College, 118

King's Mill Chapel, 418

Kinsey, David, 96

Kinsolving, Arthur B., "The One Hundred and Fiftieth Anniversary of the Organization of the Diocese of Maryland," 301

Kinsolving, Arthur B., "St. Paul's Parish, Baltimore, Md.," 301

Kirby, Edward, 325

Lambert, 325

Seley, 325

Kite, Elizabeth S., "Appointment of Bishop Carroll of Baltimore," 309

Kite, Elizabeth S., "The Washington Carrolls and Major L'Enfant," 309

- Klein, Frederic Shriver, "Jeffersonians in Local Politics along the Pennsylvania-Maryland Border," 309
- Kneller, Sir Godfrey, 390
- Knepley, Ada, 365
- Knights, Peter R., 350
- Knights of the Golden Circle, 436
- "The Knights of Labor in the Maryland Coal Fields, 1878-1882," by Katherine A. Harvey, 315
- Know-Nothing Party, 87, 233, 234, 333, 434
- "Know-Nothingism in Baltimore, 1854-1860," by Benjamin Tuska, 315
- Koeppen, R. C., 148
- Kouwenhoven, John A., 243
- Kowsky, Francis R., "Gallaudet College: A High Victorian Campus," 440
- Kraditor, Aileen, *Means and Ends in American Abolitionism*, 108
- Krooss, Herman E., 244, 251
- Krug, G., and Son, 286
- Kueth family, 114
- Kulikoff, Allan, 142, 169, 219, 341, 347, 349, 352, 355
- Kurland, Philip B., 20
- Kurtz, Stephen G., 65, 71, 79
- Kutler, Stanley I., 25, 26
- L
- Labor History*, 300
- Ladson, Miss, 264
- Lafarge, John, "The Survival of the Catholic Faith in Southern Maryland," 301
- Lafayette, Marquis de, 261
- La Follette, Robert, 16
- Lain, Richard, 312
- Lake Erie, 317, 318
- Lake Erie Seminary, 369
- Lambert, Arthur Gorman, 92
- Lancaster* (ship), 257
- Land, Aubrey C., 143, 169, 274, 409
- Land, Aubrey C., "Economic Behavior in a Planting Society: The Eighteenth Century Chesapeake," 304
- Land, Aubrey C., "Genesis of a Colonial Fortune: Daniel Dulany of Maryland," 304
- Land, Aubrey C., "The Tobacco Staple and the Planter's Problems: Technology, Labor and Crops," 304
- "Land for a Cathedral: Baltimore, 1806-1817," by William D. Hoyt, Jr., 309
- Land Office, 132, 327
- Landragan, Michael, 96, 97
- Landsberg, Melvin, *John Dos Passos' Path to U.S.A.: A Political Biography*, reviewed, 111-112
- Langston, John M., 441
- Lanier, Sidney, 312 ff.
- Laslett, Peter, 223
- Latrobe, Benjamin H., 113, 258, 261, 262, 264, 417, 440
- John H. B., 90, 113, 258, 259
- Latrobe, John H. B., "Biographical Sketch of Daniel Dulany," 309
- "Latrobe's America," by Paul F. Norton and E. M. Halliday, 310
- Laugher, Charles T., *Thomas Bray's Grand Design: Libraries of the Church of England in America, 1695-1785*, reviewed, 328-329
- Laughon, Samuel W., "Administrative Problems in Maryland in Liberia — 1836-1851," 314
- Laussat, Anthony, 309
- Lauver, Samuel A., 263
- "Law, Politics, and Chief Justice Taney: A Reconsideration of the *Luther v. Borden* Decision," by Michael A. Conron, 312
- Lawrence* (ship), 318
- Lawrence, Thomas, 183, 217
- Laws, Ann, 421
- John, 421
- Katherine (Jones), Mrs. Panter, 421
- Mary, 421
- Mary (Bozman), Mrs. Panter, 419, 421
- Panter, 419, 421
- Robert, 421
- Sarah, 421
- Thomas, 421, 424
- William, 421
- "Lawyers in Colonial Maryland, 1660-1715," by Alan F. Day, 302
- Lay, Henry C., 58, 61
- Layfield, George, 137
- Leach, Frank W., 259
- Leach, M. Atherton, editor, "Register of St. Michael's Parish, Talbot County, Maryland, 1672-1704," 304
- Lear, Tobias, "Observations on the River Potomack: The Country Adjacent, and the City of Washington," 309
- Leary, Lewis, "The Forlorn Hope of Sidney Lanier," 314

- "Lebanon Blues in the Baltimore Campaign, 1814," by Earl S. Pomeroy, 310
- Lee, Charles, 71, 76
- Lady Charlotte (Fitzroy), Mrs. Edward Henry, 447
- Edward Henry, 1st Earl of Lichfield, 447
- Hannah, 160
- Harriet (Carroll), Mrs. John, of Needwood, 447
- "Light-Horse Harry," 260
- John, of Needwood, 447
- Robert E., 314
- Lee, Ronald F., "Chesapeake and Ohio Canal," 301
- Lee, Sarah Redwood, "The Maryland Influence in American Catholicism," 304
- Leeds, Duchess of, 447
- Leeds Pottery Catalogue, 200
- Leesburg, Va., 91
- Lefler, Hugh T., 49
- Le Grand, Julia, 62
- Leigh, Arnold, 128
- Le May, J. A. Leo, "Hamilton's Literary History of the *Maryland Gazette*," 304
- Lemon, James T., 169
- L'Enfant, Major, 308, 309
- Lenz, W. A., 322
- Leonard, Jasua, 325
- Martha, 325
- Mary, 325
- Capt. Robinson, 325
- William, 325
- Lerch, Charles O., Jr., 82
- L'Etang, Hugh, 26
- "Letter of Archbishop Carroll to Mrs. James Barry, 1806," 309
- "Letter of the Rev. W. V. Harold of St. Mary's Church, Philadelphia, to the Rev. John Ryan of St. Peter's Church, Baltimore," 309
- "Letters from 'An American Mother,'" by Eric Lund, 316
- "Letters from the Archdiocesan Archives at Baltimore: Time of Bishop Carroll," edited by E. I. Devitt, S.J., 307
- "Letters from the Baltimore Archives," edited by E. I. Devitt, S.J., 307
- "The Letters of Cardinal James Gibbons to the Shriver Family," edited by John Quentin Fuller, Jr., 315
- "Letters from Father Joseph Mosley, S.J., and Some Extracts from His Diary (1757-1786)," by E. I. Devitt, S.J., 308
- "Letters of Francis Patrick Kenrick to the Family of George Bernard Allen, 1849-1863," edited by Francis E. Tourscher, O.S.A., 314-315
- The Letters of William Lloyd Garrison, Volume III: No Union with Slave-Holders, 1841-1849*, edited by Walter M. Merrill, reviewed, 432-433
- "Letters to Horatio Sharpe, 1774-1779," by David Love, 309
- Levy, Beryl, 17, 19
- Lewger, Ann, Mrs. John, 153
- John, 125, 128, 146, 147, 149 ff., 154 ff., 163, 166
- John, Jr., 154
- Lewis, Elizabeth, 150
- H. H. Walker, 2
- Theodore B., 99
- Lewis, Walker, *Without Fear or Favor*, 23, 26
- The Liberator*, 36, 432
- Liberia, 398-404
- Liberty Party, 433
- Liberty Street, Baltimore, 343
- Library Committee, Maryland Historical Society, 415
- Lidsinger, Henry, 96
- "Life of Brigadier General John McCausland," by James Earl Brown, 312
- Life of John Marshall*, by Albert Beveridge, 8
- "The Life of Samuel Eccleston, Fifth Archbishop of Baltimore, 1801-1851," by Columbia E. Halsey, O.S.B., 313
- "The Life of William Murray Stone, D.D., Bishop of Maryland, 1830-1838," by Gerald F. and Patricia A. Varnedoe, 315
- Light Street, Baltimore, 345, 358
- "Light Thrown by the Jesuits upon Hitherto Obscure Points of Early Maryland History," by Rev. Edward D. Neill, 305
- The Lighthouses of the Chesapeake*, by Robert de Gast, reviewed, 441-442
- Lile, Mrs., 325
- Lillich, Richard B., "The Chase Impeachment," 309
- Lincoln, Abraham, 2, 8, 9, 27, 61, 63, 91, 314, 333 ff., 434
- "Lincoln and Taney: A Study in Constitutional Polarization," by Robert M. Spector, 314
- Lind, Jenny, 87

- Lindsay, Abbe Lionel St. G., "Correspondence between the Sees of Quebec and Baltimore, 1788-1847," 309
- Link, Arthur S., "The Baltimore Convention of 1912," 315
- "A List of those Who Governed Maryland Before It Was Made a Royal Province," by Bernard C. Steiner, 306
- Little, Thomas Vance, 91
- Little Monny, Somerset County, 424
- Lloyd, Edward, 325
- Col. Edward, 29
- Lockridge, Kenneth A., 211
- Lockwood, Belva A., 364, 365, 369, 372, 380
- Lodge, Henry Cabot, 67, 71, 82
- Lombard Street, Baltimore, 358
- Long, William, 325
- "The Long and Unhappy History of Loyalty Testing in Maryland," by Lewis D. Asper, 306
- Lopez, Mr., 435
- "Lord Baltimore and His Freedom in Granting Religious Toleration," by William King, 304
- Lord Proprietary v. Arthur Nottool*, 389, 390
- Lord Proprietary v. Due*, 389, 390
- Lord Proprietary v. Francis Carpenter*, 389, 390
- Lord Proprietary v. John Oliver*, 389, 390
- Lord Proprietary v. Pope Alvey*, 389, 390
- Lord Proprietary v. Thomas Morrice*, 389, 390
- "The Lord's Rebel: Freeborn Garrettson: A Methodist Preacher during the American Revolution," by Robert Drew Simpson, 311
- Lords of Trade, 124, 130, 131, 135, 139
- THE LOST WORLD OF DANIEL BOORSTIN, by Rodney M. Sievers, 293, 299
- The Lost World of Thomas Jefferson*, by Daniel J. Boorstin, 295 ff.
- Lottinsville, Savoie, 445
- Louis McLane: Federalist and Jacksonian*, by John A. Munroe, reviewed, 330-332
- Love, David, "Letters to Horatio Sharpe, 1774-1779," 309
- Lovejoy, David, *The Glorious Revolution in America*, 328; reviewed, 98-100
- Elijah, 27
- Lovely, Joshua, 95
- Lowe, Charles, 94
- Lowe, W. A., "The Freedmen's Bureau and Civil Rights in Maryland," 314
- Lucas, Fielding, Jr., *Picture of Baltimore*, 267
- Lumbrozo, Dr. Jacob, 303
- Lund, Eric, "Letters from 'An American Mother,'" 316
- Luther v. Borden*, 4, 9, 19, 22, 24, 26, 312
- Luxon, Norval Neil, "H. Niles, the Man and the Editor," 309
- Luzerne, Chevalier de la, 311
- Lydekker, John Wolfe, "Thomas Bray (1658-1730): Founder of Missionary Enterprise," 304
- Lynam, Margaret, 114
- Lynch, Miss B. A., 445
- John, 96
- Lynes, Philip, 132
- Lynn, Mass., 108
- Mc
- McAnear, Beverly, editor, "Mariland's Greivances Wiy The Have Taken Op Arms," 304
- McCausland, Brig. Gen. John, 312
- McClellans Alley, Baltimore, 344
- McCloskey, Robert G., 22 ff.
- McCormac, E. I., 9
- McCulloch, James H., 360
- McCulloch, Samuel Clyde, "A Plea for Further Missionary Activity in Colonial America — Dr. Thomas Bray's Missionalia," 304
- McCulloch, Samuel Clyde, "Dr. Thomas Bray's Trip to Maryland: A Study in Militant Anglican Humanitarianism," 304
- McDonogh, John, 313
- McGill, Mr., 400
- McGrain, John W., 449
- McGrath, Esther, 421
- Joan, Mrs. Oint, 421
- Oint, 421
- McGuinn, Henry J., "Equal Protection of the Law and Fair Trials in Maryland," 316
- McHenry, James, 64-85, 307, 311
- James Howard, 282
- John, 246
- McKenett, Robert K., 325
- Mackenzie, Alexander Slidell, 318
- MacKercher, [Daniel], 305
- McKim, Mead and White, 283, 284

McLanahan & Bogart, 246, 247, 253
 McLane, Catherine (Milligan), Mrs.
 Louis, 331, 332
 Louis, 330-332
 McLean, Justice [John], 9, 20
 Robert Colin, 258
 McLoskey & Hagan, 247
 McMaster, John Bach, 6, 13
 McMaster, Richard K., 271
 McMaster, Richard K., "Georgetown
 and the Tobacco Trade," 309
 McMaster, Richard K., "Maryland Stu-
 dents in Flanders: Letters of Reverend
 John Ceslas Fenwick, O.P., 1784-
 1789," 309
 "McNeill Rangers: A Study in Confed-
 erate Guerilla Warfare," by Simeon
 Miller Bright, 312
 Macnemara, Thomas, 391 ff., 395
Macnemara v. Her Majesty, 391
 McPherson, Edward, 56, 61
 MacTavish, Emily Caton, 447
 John Lovatt, 447

M

Maass, John, *The Glorious Enterprise:
 The Centennial Exhibition of 1876
 and H. J. Schwartzman, Architect-in-
 Chief*, reviewed, 436-438
 Mackey, Phillomon, 325
 Samuel, 325
 Madison, James, 256, 310
 Magen, Henry, 95
Magic Medicine of the Indians, by C. A.
 Weslager, 445
 Magrah, Jas., 96
 Magruder, Caleb Clarke, "Colonel Nin-
 ian Beall," 304
 Magruder, Caleb Clarke, Jr., "Dr. Wil-
 liam Beanes, The Incidental Cause of
 the Authorship of the Star-Spangled
 Banner," 309
 Main, Gloria Lund, 169, 226
 Jackson T., 169
 Main, Jackson Turner, *Political Parties
 before the Constitution*, reviewed, 101-
 103
 Makemie, Francis, 124
The Making of Urban America, 100
 Malcolm, Helen, 370
 Mallon, Edward A., "Oration of Antony
 Laussat on Charles Carroll," 309
 Malone, Dumas, 65
 Malts, John, 95

Manakee, Harold R., before 243, 415
 Manly, Dr. Basil, 50
 Mannix, Richard, "Albert Gallatin in
 Washington, 1801-1813," 441
 Manokin, Somerset County, 421 ff.
 Manokin Hundred, Somerset County, 418
 Manokin River, 418
 Manny Church, Somerset Parish, 419
 Manny Hundred, Somerset County, 418
 Mansfield, Arabella A., 362, 365
 "Map of Annapolis-Alexandria Road,"
 by A. C. Harmon, 308
 "Maps of the First Survey of the Po-
 tomac River, 1736-1737," by James W.
 Foster, 303
 Marechal, Ambrose, 268, 269, 308
 "Mariland's Greivances Wiy The Have
 Taken Op Arms," edited by Beverly
 McAnear, 304
 Market Street, Baltimore, 407
 "The Market Surplus Problems of Co-
 lonial Tobacco," by L. C. Gray, 303
 Markland, Charles, 325
 Edward, 325
 Frances Ann, 325
 Francis, 325
 James, 325
 John, 323
 John T., 325
 Margaret, Mrs. John, 323, 325
 Richard, 323
 Sarah, 325
 William, 325
 "Marriage Licenses of Caroline County,
 Maryland, 1774-1815," by Henry
 Downes Cranor, 307
*Marriages and Deaths from the Maryland
 Gazette, 1727-1839*, by Robert Barnes,
 reviewed, 228
 Marsh, Dr., 325
 Marshall, C. K., 45
 John, 4 ff., 11 ff., 16 ff., 23, 25, 71,
 261
 Sarah, 325
 William, 325
 Martin, Mrs., 260
 Charles, 325
 Gov. Daniel, 325
 Douglas, 445, 446
 Martin, E. A., "The Ordeal of H. L.
 Mencken," 316
 Edward O., 325
 Ennals, 325
 George, 228

- Martin, James Kirby, *Men in Rebellion*, reviewed, 228-230
 Jno., 95
 John S., 325
 Joseph, 325
 Nicholas, 325
 William, 325
- "Maryland, Cradle of Religious Liberty," by R. Corrigan, 302
- Maryland Agricultural Society for the Eastern Shore, 317
- "Maryland and the West," by Bernard C. Steiner, 301
- "Maryland before the Revolution," by Charles A. Barker, 302
- Maryland Club, 280, 287
- "The Maryland Diocesan Library," by Nelson W. Rightmyer, 301
- "The Maryland Diocesan Library — A Mine of Historical Material," by Wyllys Rede, 301
- Maryland 1800 Census*, 339-340
- Maryland: The Federalist Years*, by L. Marx Renzulli, Jr., reviewed, 103
- Maryland Gazette*, 145, 274, 304 ff., 405 ff., 417
- "The Maryland Gentry and Social Mobility, 1637-1676," by William A. Reavis, 305
- "Maryland Gossip in 1755," 304
- "Maryland Haymaking," by Richard D. Altick, 301
- Maryland Historical Magazine*, 414, 417
- Maryland Historical Trust, 185, 186
- "Maryland in the Early Land-Grant College Movement," by Vivian Wiser, 315
- "Maryland in the Revolution," by Bernard C. Steiner, 311
- "Maryland in 1699: A Letter from the Reverend Hugh Jones," edited by Michael Kammen, 304
- "The Maryland Influence in Colonial Catholicism," by Sarah Redwood Lee, 304
- Maryland Institute for the Promotion of the Mechanic Arts, 259
- Maryland Law Institute, 261
- "Maryland Notes," edited by Henry H. Goldsborough, 303
- "Maryland Politics in 1797 as Shown in Letters Selected from the Correspondence of James McHenry," edited by Bernard C. Steiner, 311
- Maryland State Colonization Society, 398, 400
- Maryland State Library, 410, 411, 417
- "Maryland Students in Flanders: Letters of Reverend John Ceslas Fenwick, O.P., 1784-1789," by Richard A. MacMaster, 309
- Maryland Tercentenary Commission, 414
- "Maryland, their Maryland," by William E. Wilson, 306
- "Maryland-West Virginia, Western Boundary," by Harold Bruce Fortney, 301
- Maryland Yearly Meeting, 114
- "Maryland's Adoption of the Federal Constitution," by Bernard C. Steiner, 311
- "Maryland's Greatest Politician: Cecilius Calvert's Career as an Index to the History of the Palatinate," by Edward Ingle, 303-304
- "Maryland's Impulse toward Social Revolution, 1750-1776," by David Curtis Skaggs, 311
- "Maryland's Part in Founding the Federal Government," by J. Frederick Esary, 308
- Maryland's Revolution of Government, 1689-1692*, by Lois Green Carr and David William Jordan, reviewed, 327-328
- "Marylander," railroad car, 290
- A MARYLANDER IN AFRICA: LETTERS OF HENRY HANNON, by W. Wayne Smith, 398-404
- "Marylanders and the Invasion of 1862," by Richard R. Duncan, 313
- Mason, A. Hughlett, and Swindler, Wm. F., "Mason and Dixon: Their Line and its Legend," 304
- "Mason and Dixon: Their Line and its Legend," by A. Hughlett Mason and William F. Swindler, 304
- Mason, Bernard, 428
 Charles, 302 ff.
 Robert, 137
 Ruth W., 376
 William E., 376
- Mastin, F. T., & Co., 247
- Mathias, Charles McC., Jr., 432
- Mattapany Hundred, St. Mary's County, 146, 149, 153
- Mattapany-Sewell, 136, 166
- Mattaponi Baptist Church, 45
- A Matter of Allegiances: Maryland from 1850 to 1861*, by William J. Evitts, reviewed, 433-435

- Maury, William M., "A. R. Shepherd and the Board of Public Works," 441
- May, Robert E., *The Southern Dream of a Caribbean Empire, 1854-1861*, reviewed, 435-436
- Samuel J., 30
- Mayer, Brantz, 113, 421
- Charles F., 113
- F. B., 273
- Lewis, 413
- Maynard, Theodore, ed., "Cardinal Gibbons on the National Catholic Welfare Conference," 316
- Mays, Benjamin, 30
- Meade, Bishop William, 53
- Means and Ends in American Abolitionism*, by Aileen Kraditor, 108
- Medical and Chirurgical Faculty, 261
- Meersman, Roger, and Boyer, Robert, "The National Theatre in Washington, D. C., 1835-1972," 441
- Meier, Heinz K., editor, *Memoirs of a Swiss Officer in the American Civil War*, reviewed, 108-109
- Meiland, Jack, *Scepticism and Historical Knowledge*, 335
- Mellen, John, 97
- Melony, Mrs., 325
- Melton, Wightman F., "Edward Coote Pinkney," 309
- Melton, Wightman P., "Some Autobiographical References in Poe's Poetry," 314
- Melville, M. Annabelle, 74
- "Memoirs of Benjamin Stoddert, First Secretary of the United States Navy," by Harriet Stoddert Turner, 311
- Memoirs of Mark Alexander, Jr.*, 448
- Memoirs of a Swiss Officer in the American Civil War*, edited by Heinz K. Meier, reviewed, 108-109
- "Memories of Annapolis," by Samuel A. Ashe, 312
- Men in Rebellion*, by James Kirby Martin, reviewed, 228-230
- Menard, Russell R., opp. 123, 126, 128, 129, 131, 140, 142, 144, 327
- MENARD, RUSSELL R., HARRIS, P. M. G., and CARR, LOIS GREEN, *Opportunity and Inequality: The Distribution of Wealth on the Lower Western Shore of Maryland, 1638-1705*, 169-184
- MENARD, RUSSELL R., WALSH, LORENA S., and, *Death in the Chesapeake*, 211-227
- Mencken, H. L., 113, 315, 316, 337
- Mendelson, Wallace, 5
- Menonisis Meeting House, Baltimore, 344
- Mercer University, 54
- Merchants National Bank, Baltimore, 92
- Meres, Luis, Sr., 325
- Merrens, H. Roy, 144
- Merrill, Walter M., editor, *The Letters of William Lloyd Garrison, Vol. III, No Union with Slave Holders, 1841-1849*, reviewed, 432-433
- Methodist Episcopal Church, South, 42
- "THE METROPOLIS OF MARYLAND": A COMMENT ON TOWN DEVELOPMENT ALONG THE TOBACCO COAST, by Lois Green Carr, 125-145
- Meyer, A. N., 362
- Mary K., 261, 339, 444
- MEYER, MARY K., *Death Records from Richard Markland's Copy Book*, 323-326
- Meyer, Mary K., *Genealogical Research in Maryland*, 340
- MEYER, MARY K., editor, *Captain John Fulford's Company, February 13, 1776 to May 21, 1777*, 93-97
- Meyers, Marvin, 25
- Michigan, University of, 365
- The Middle Colonies and the Coming of the American Revolution*, by John A. Neuenschwanger, reviewed, 428-430
- "The Middle States and the Embargo of 1808," by Louis Martin Sears, 311
- Middle Street, St. Mary's City, 129
- Middlesex County, England, 443
- Middleton, Dr., 408
- Arthur Pierce, 143
- Middleton, Arthur Pierce, "The Chesapeake Convoy System, 1662-1763," 305
- Middleton, Arthur Pierce, "New Light on the Evolution of the Chesapeake Bay Clipper-Schooner," 305
- Middleton, Arthur Pierce, "The Struggle for the Cape Henry Lighthouse," 309
- Middleton, Arthur Pierce, "Yachting in Chesapeake Bay, 1676-1783," 305

- Mies, John W., "Breakout at Harper's Ferry," 314
- Mikell, William E., 8
- Miles, Joshua, 94
- Military Affairs*, 300
- "Military and Political Affairs in the Middle Colonies in 1753 by Daniel Dulany," 305
- Mill Creek, 126, 128, 129, 132, 138, 147
- Miller, George L., opp. 123, 148
- MILLER, GEORGE L., *A Tenant Farmer's Tableware: Nineteenth Century Ceramics from Tabb's Purchase*, 197-210
- John, 421
- John C., 65, 72
- Mary, Mrs. Thomas, 421
- Miller, Nathan, *Sea of Glory: The Continental Navy Fights for Independence, 1775-1783*, reviewed, 431-432
- Robert, 421
- Thomas, 421
- Mills, 449
- Mills, Clark, 440
- Robert, 312
- Milnes, Holdsworth & Co., 248
- "Miscellaneous Excerpts from the Baltimore Archives," 310
- "Miscellaneous Letters to Bishop John Carroll (1784-1815)," by E. I. Devitt, S.J., 308
- "Miscellany: Cardinal Gibbons' Assistance to Pastor's History of the Popes," 316
- "Miscellany: Questions Anent Mother Seton's Conversion," by Rev. Charles L. Souvay, C.M., 311
- Mississippi College, 52
- Mississippi Valley Historical Review*, 300
- Mister, Capt., 325
- Levin, 325
- "Mister Donut," 294
- Mitchell, Mr., 391
- Mitchell, Broadus, 72
- Mitchell, Mary, "Kalorama: Country Estate to Washington Mayfair," 441
- William H., 61
- Mobile Conference, 61
- "A Model County Parish and its Records," by Owen B. Corrigan, 301
- Modern Language Association, 433
- Monet, Claude, 440
- The Money Manias*, by Robert Sobel, reviewed, 240
- Monocacy River, 446
- Monocan, Somerset County, 422
- Monroe, Haskell M., Jr., 48, 49, 52, 54, 56, 60, 61
- James, 261
- Montreal Gazette*, 201
- Monument Square, Baltimore, 333
- Monument Street, Baltimore, 357
- Moore, T. V., 50
- Moran, Denis M., "Anti-Catholicism in Early Maryland Politics: The Puritan Influence," 310
- Moran, Denis M., "The Protestant Influence," 310
- Moran, Michael, "The Writings of Francis Patrick Kenrick, Archbishop of Baltimore (1797-1863)," 314
- Morgan, Edmund S., 227
- Frances, 288
- Mrs. J. Pierpont, 288
- Morgan, James Dudley, "Historic Fort Washington on the Potomac," 310
- Morison, Samuel E., "Virginians and Marylanders at Harvard College in the Seventeenth Century," 305
- Morison, Samuel E., "Roving Business," 305
- Morrice, Thomas, 389, 390
- Morris, George G., "French Criticism of Poe," 314
- Jeremiah, 325
- Morris, Paul C., *American Sailing Coasters of the North Atlantic*, 444
- Richard B., 361, 391, 430
- Morris Canal and Banking Company of New Jersey, 331
- Morrison, Alexander H., 148
- Morrison, Charles, *An Outline of the Maryland Boundary Disputes and Related Events*, 339
- Hugh, 161
- Norman, 114
- Morriss, Margaret S., 131
- Morrow, Ralph E., 61
- Morton, Richard L., 225
- Morton, Richard L., "The Reverend Hugh Jones, Lord Baltimore's Mathematician," 305
- Morvall, William, 96
- Morwall, William, 97
- Mosk, Edward, and Mosk, Morey Stanley, "An Early American Patriot," 310
- Mosk, Morey Stanley, Mosk, Edward, and, "An Early American Patriot," 310
- Mosley, Father Joseph, S.J., 308

- Mott, Lucretia, 380
 Mount, Charles Merrill, "John Singer Sargent at the White House," 440
 Mount, Charles Merrill, "Claude Monet's 'The Bridge at Argenteuil' at the National Gallery of Art in Washington," 440
 Mount, Charles Merrill, "Gilbert Stuart in Washington," 440
 Mt. Lebanon University, 54
 Mt. Tubman School, 401
 Mt. Vernon Place, Baltimore, 279-292, 336
 MT. VERNON PLACE AT THE TURN OF THE CENTURY: A VIGNETTE OF THE GARRETT FAMILY by Katherine B. Dehler, 279-292
 Mowry, Arthur, *The Dorr War*, 4, 5
 Moyaone, Piscataway Village, 125
Mr. Polk's War: American Opposition and Dissent, 1846-1848, by John H. Schroeder, reviewed, 231-233
 Mullikin, Benjamin, 325
 Solomon, 325
 Munro, Hugh, & Co., 247
 Munroe, John A., "James Hemphill's Account of a Visit to Maryland in 1802," 310
 Munroe, John A., *Louis McLane: Federalist and Jacksonian*, reviewed, 330-332
 Munsel, James, 96
 Muret, Charles, 95
 Murray, William Vans, 307
 Mussey, Ellen Spencer, 361-382
 Gen. Reuben Delavan, 366, 368
 Mussey Act, 378
 Myers, Mrs., 325
 John, 246
 Myhan, Dennis, 97
 "The Mysterious Mr. Digges," by Lynn Hudson Parsons, 310

N

- "Narrative of a Voyage to Maryland, 1705-1706," 305
 Nash, Gary B., 169
 John, 325
 National American Women Suffrage Association, 90, 380
National Anti-Slavery Standard, 433
 National Association of Women Lawyers, 382
 National Convention of Colored Citizens, 433
 National Endowment for the Humanities, 123, 148
The National Experience, by Daniel J. Boorstin, 293, 296
 National Free Soil Convention, 30
National Gazette and Literary Register, 258
National Intelligencer, 260
 National Negro Business League, 237
 National Red Cross, 368, 379
 National Research Council, 439
 National Science Foundation, 123, 170
 "The National Theatre in Washington, D. C., 1835-1972," by Roger Meersman and Robert Boyer, 441
 National University, 377
 National University Law School, 364, 365, 367
Nautilus (ship), 310
 "The Naval Thought and Policy of Benjamin Stoddert, First Secretary of the Navy, 1798-1801," by Robert F. Jones, 309
 Navigation Acts, 131
 Needham, Charles W., 381
 "The Negro, Benjamin Banneker: Astronomer and Mathematician, Plea for Universal Peace," by P. Lee Phillips, 310
 Neill, Rev. Edward D., "Light Thrown by the Jesuits upon Hitherto Obscure Points of Early Maryland History," 305
 Nelson, George A., "The First Cruise of the Privateer *Harpy*," 310
 Ness, George T., Jr., "Georgia's Confederate Dead in the Frederick, Maryland, Cemetery," 314
 Neuenschwander, John A., *The Middle Colonies and the Coming of the American Revolution*, reviewed, 428-430
 Nevins, Allan, 17, 20
 New Bedford Zion Methodist Church, 30
 "New Light on the Evolution of the Chesapeake Bay Clipper-Schooner," by Arthur Pierce Middleton, 305
 New York Philharmonic Club, 287
New York Tribune, 280
New York World, 280
 Newbury Street, Baltimore, 406

- Newman, A. H., 59
 Harry Wright, 180
 Newmyer, R. Kent, 24 ff.
 Newport, Charles County, 191-195
Newsweek, 297, 298
 Newton, Thomas, 96
 Watson J., 370, 371
 family, 160
 Newtown, Va., 340
 Nichols, Roy F., 257
 Nicholson, Francis, 100, 101, 136, 138,
 183, 217, 303
 Nicklin, John Bailey Calvert, 166
 Nicklin, John Bailey Calvert, "Immigra-
 tion between Virginia and Maryland
 in the Seventeenth Century," 305
 Nicolay, John G., 2
 Niles, Hezekiah, 309
Niles' Weekly Register, 252
Nineteen Nineteen, by John Dos Passos,
 111
 Ninth New York Militia, 108
Niobe (ship), 398
 Nitscke, W. Robert, 445
 Niver, Estate of Charles M. S., 322
 Nixon, Richard M., 295, 297
 Nolley, Gretchen, 203
Nonsuch (ship), 320
 North, Catherine L., 376
 Douglass C., 254
North American Review, 108
 North Howard Street, Baltimore, 358
 Norton, Mr., 96
 Norton, Paul F., and Halliday, E. M.,
 "Latrobe's America," 310
 Susan L., 211, 223, 224
 "Notations of Cardinal Gibbons on the
 Conclave of 1914," edited by John
 Quentin Feller, Jr., 315
 NOTES AND QUERIES, 120, 447
 "Notes on Chesapeake Bay Skipjacks,"
 by Howard I. Chapelle, 315
 "Notes on Early Jewish Settlers of Bal-
 timore," by B. H. Hartogensis, 308
 NOTES ON MARYLAND HISTORI-
 CAL SOCIETY MANUSCRIPT COL-
 LECTIONS: A DESCRIPTION OF
 THE VERTICAL FILE, by Richard
 J. Cox, 86-90
 NOTES ON MARYLAND HISTORI-
 CAL SOCIETY MANUSCRIPT COL-
 LECTIONS, 317, 409
 Notley, Thomas, 130, 137, 390
 Nott, Samuel, 1
 Nottol, Arthur, 389, 390
 Nugent, Patrick, 95
 Nurnberger, Ralph D., opp. 341
 NURNBERGER, RALPH D., *The Great
 Baltimore Deluge of 1817*, 405-408
 Nute, Grace L., ed., "Washington and
 the Potomac: Manuscripts of the Min-
 nesota Historical Society, (1754),
 1769-1798," 310
 Nuthead, William, 132
 Nye, Edwin D., "Washington's Forty
 Boundary Stones," 441
- O
- "Oaklands," 256, 258, 261, 262, 264 ff.
 Oberlin College, 367
 "Observations on the River Potomack:
 The Country Adjacent, and the City
 of Washington," by Tobias Lear, 309
 Obrien, Michael, 95
 Ocracoke Island, 444
 O'Daniel, Rev. V. F., "The Rev. John
 Ceslas Fenwick, O.P., (1759-1815),"
 310
 O'Daniel, Rev. V. F., "Cuthbert Fen-
 wick: Pioneer Catholic and Legislator
 of Maryland," 305
 Odear, John, 421
 Mary, 421
 Sarah, 421
 Sarah, Mrs. John, 421
 Stephen, 421
 Ogilby, John, *America*, 146, 166
*Ohio Life Insurance and Trust Company
 v. Debolt*, 11, 16 ff.
 Ohmstead, Clifton E., 241
 O'Hoggin, John, 421
 Lawrence, 421
 Mary, Mrs. Lawrence, 421
 Sarah, 421
 "The Old Bay Line of the Chesapeake:
 A Sketch of a Hundred Years of
 Steamboat Operation," by Alexander
 Crosby Brown, 301
 "The Old Cannon Foundry Above
 Georgetown, D. C., and its First
 Owner, Henry Foxall," by Madison
 Davis, 301
*Old Houses of King and Queen County,
 Virginia*, by Virginia D. Cox and
 Willie T. Weathers, 339
 "The Old Post Office Building," by Gail
 K. Kassan, 440

Old Town, Baltimore, 342, 344, 348,
350, 352, 353, 359, 405, 406

Oliver, Mrs., 400

Fred, 381

John, 250, 389, 390

Robert, 250, 264, 348

Robert, & John, 247

Olmsted, Frederick Law, 314

"The One Hundred and Fiftieth Anniversary of the Organization of the Diocese of Maryland," by Arthur B. Kinsolving, 301

One Hundredth Regiment of Colored Troops, 368

OPPORTUNITY AND INEQUALITY:
THE DISTRIBUTION OF WEALTH
ON THE LOWER WESTERN
SHORE OF MARYLAND, 1638-
1705, by Russell R. Menard, P.M.G.,
Harris, and Lois Green Carr, 169-184

"Oration by Antony Laussat on Charles Carroll," by Edward A. Mallon, 309

"The Ordeal of H. L. Mencken," by E. A. Martin, 316

Organ, Mary F., 442

"The Origin of Slavery in the United States — the Maryland Precedent," by Jonathon L. Alpert, 302

Osgood, Herbert L., "The Proprietary Province as a Form of Colonial Government," 305

Ostend Manifesto, 435

Otis, James, Jr., 230

O'Toole, Mary, 378

Ouseley, Sir William Gore, 268

Ousten, Anne, Mrs. Joseph, 421, 422

George, 422

Joseph, 421

Robert, 421

Sarah, 421

William, 421

An Outline of the Maryland Boundary Dispute and Related Events, by Charles Morrison, 339

Oven, Andrew, 325

Overzee, Elizabeth (Willoughby), Mrs. Simon, 159, 160

Sarah Thoroughgood, Mrs. Simon,
147, 157, 159

Simon, 149, 152, 157 ff., 162

Owens, John, 422

Kennedy, 325

Mary, Mrs. John, 422

Mitchell, 422

Owings, Donnell M., 128, 132

Owings, Donnell M., *His Lordship's Patronage*, 327

Oxenham, Mordeca, 325

Ozment, Emma, 325

Jonathan, 325

Ozman, Capt. William, 325

P

Paca, William, 272, 338

Paca House, Annapolis, 338

Packard, Joseph, 54, 61

Padgett, Dora Adele, *William Howard, Last Colonial Owner of Ocracoke Island, His Family and Descendants*, 444

Page, Evelyn, "After Gettysburg: Frederick Law Olmsted on the Escape of Lee," 314

Josephine, C. A., 376

Paine, Thomas, 229

Paine, Thomas, *Common Sense*, 430

Palfrey, John Gorham, 332

Palmer, Benjamin Morgan, 55, 63

Benjamin Whipple, 17 ff.

Pamphilion, Kitty, 325

Pancake, John, 83, 245

Pancake, John S., "The 'Invisibles': A Chapter in the Opposition to President Madison," 310

Panczyk, Matthew Lee, "James Whitfield, Fourth Archbishop of Baltimore, the Episcopal Years: 1828-1834," 314

Panthers, John, 423

Papenfuse, Edward C., 101, 144, 330, 415

Pargellis, Stanley, 124, 225, 227

Park Avenue Meeting, 114

"Park Hall," Prince George's County, 420

Parker, Theodore, 36, 39, 40

Parrot, James, 325

Parsons, Lynn Hudson, "The Mysterious Mr. Digges," 310
Thomas, 325

Patapsco River, 342

"Patriots and Loyalists: The Choice of Political Allegiances by the Members of Maryland's Proprietary Elite," by Anne Alden Allan, 306

Patterson, Robert, 447

William, 348

Patton, James W., 45

Patuxent River, 129, 198

- Paul, Alice, 441
 J. Gilman D'Arcy, 288
 Mrs. Nanette P., 369, 370, 376, 377
Paul Pry, 106
Paul's Parliamentary Law, 376
 Payne, Peter Lester, Davis, Lance Edwin,
 and, "From Benevolence to Business:
 The Story of Two Savings Banks,"
 312
 Peabody, George, 113, 281
 Peabody Institute, 281
 Peale, Rembrandt, 113
 Peale's Museum, 407
 "The Peales," by Oliver Jensen, 309
 Pearce, William, 310
 Pease, Elizabeth, 432
 Jane H., 433
 Pedley, Avril J. M., 317
 Penn, William, 410
 "Penn vs. Baltimore: A Brief for the
 Penns. In Re Mason and Dixon Line,"
 by J. Carroll Hayes, 303
 "Penn versus Baltimore: Journal of John
 Watson, Assistant Surveyor to the
 Commissioners of the Province of
 Pennsylvania, 1750," by John W.
 Jordan, 304
 Pennington, Edgar L., 44, 45, 58, 62
 "Pennsylvania and Maryland Bounda-
 ries," 305
Pennsylvania Magazine, 300
 Percy, Walter, 335
 Perkins, Edwin J., 243
 Perkins, Edwin J., "Financing Antebel-
 lum Importers: The Role of Brown
 Brothers & Company of Baltimore,"
 304
 Perry, Lewis, *Radical Abolitionism: An-
 archy and the Government of God in
 Antislavery Thought*, reviewed, 107-
 108
 Oliver Hazard, 317, 318
 Perry and Lane, 226
 "Perry Cabin," 318
 "Personal Notices - From the *Maryland
 Gazette*," edited by Kate Mason Row-
 land, 305
*Perspectives of Empire: Essays Presented
 to Gerald S. Graham*, edited by John
 E. Flint and Glyndwr Williams, 118
 Peterson, John J., *Into the Cauldron*,
 117
 P. A., 44
 Pettus, Isabella M., 364
 Phebus, George, 421, 422
 George, Jr., 422
 Mary (Mambley), Mrs. George, Jr.,
 411, 422
 Macum, 59
 "Philadelphia and Baltimore in 1837,"
 translated and edited by Lynn M.
 Case, 312
 "Philadelphia and the Chesapeake and
 Delaware Canal: 1769-1823," by Ralph
 D. Gray, 308
 Philadelphia *Aurora*, 76
 Philadelphia *Press*, 38
 Philadelphia Yearly Meeting, 114
 "Philip Tilyard," by Wilbur H. Hunter,
 Jr., 313
 Phillips, F. Lee, "The Negro, Benjamin
 Banneker: Astronomer and Mathema-
 tician, Plea for Universal Peace," 310
 Ulrich B., 11
 Wendell, 27, 31
Physics and Politics, by Walter Bagehot,
 238
 Pickering, Timothy, 68 ff., 79
Picture of Baltimore, by F. Lucas, Jr.,
 267
 Pierce, George Foster, 52, 57
 Pile, John, 194
 Joseph, 194
 Pillsbury, Parker, 432
 Pinckney, Charles C., 64, 66, 69, 70, 73,
 76 ff., 80 ff., 240
 Piney Neck, 155
 Piney Point, 137
 Pinkett, Harold T., "*The American
 Farmer: Pioneer Agricultural Journal*,
 1819-1934," 310
 Pinkney, Edward Coote, 309, 314
 William, 309
 Pipes, William, 30
 Pittman, L. Hollingsworth, 322
 "A Plea for further Missionary Activity
 in Colonial America - Dr. Thomas
 Bray's *Missionalia*," by Samuel Clyde
 McCulloch, 304
 Pleasants, J. Hall, 288
 Plummer, Mrs., 326
 Berry, 325
 Plymouth County Anti-Slavery Society,
 42
 Pocason, Somerset County, 422
 Poe, Edgar Allan, 313, 314, 337
 "Poe and Hoffman," by Palmer Cobb,
 312

- "The Poe - Kennedy Friendship," by Charles H. Bohner, 312
- "Poe's Last Visit to Richmond," by Clifford Dowdey, 313
- "The Poems of James Ryder Randall," by John Wilber Jenkins, 314
- "The Point," Cambridge, 448
- Political Parties before the Constitution*, by Jackson Turner Main, *reviewed*, 101-103
- Political Science Quarterly*, 300
- POLITICS, INTRIGUE, AND THE PRESIDENCY: JAMES MCHENRY TO BISHOP CARROLL, MAY 16, 1800, by John B. Boles, 64-85
- The Politics of Continuity*, by Jean H. Baker, *reviewed*, 233-235
- The Politics of a Literary Man: William Gilmore Simms*, by Jon L. Wakelyn, *reviewed*, 230-231
- Polk, James K., 231-233, 331
- Jane, Mrs. John, 422
- John, 422
- William, 422
- Polke, Ann, Mrs. William, 422
- James, 422
- William, 422
- Pollett, Isabell, 422
- Margaret, Mrs. Thomas, 422
- Thomas, 422
- Pomeroy, Earl S., "Lebanon Blues in the Baltimore Campaign, 1814," 310
- Pope, Ann, Mrs. James, 422
- James, 422
- John Russell, 284
- Nathaniel, 197
- "Pope's Freehold," St. Mary's County, 128, 130, 157, 197
- Porter, A. Toomer, 49
- "Portfolio of Washington Drawings," by Paul Boswell, 440
- A PORTRAIT OF BALTIMORE IN 1800: ECONOMIC AND OCCUPATIONAL PATTERNS IN AN EARLY AMERICAN CITY, by Richard M. Bernard, 341-360
- Portsmouth Association, 58
- Posner, Ernst, 409
- Post Vincennes, 74
- "Post-Roads in Maryland, Virginia, North Carolina, and South Carolina in 1796," 310
- Potoback Creek, 157, 158
- "Potomac River Maps of 1737 by Robert Brooke and Others," by James W. Foster, 303
- Potts, Capt., 257
- Pratt, Enoch, 91, 328, 337
- Mrs. Enoch, 283
- Pratt Building, Maryland Historical Society, 415
- Pratt Street, Baltimore, 343, 344, 350
- Pred, Allan R., 352, 358
- "A Preliminary Archaeological and Historical Study of the Residents of the Post-Capital Era of St. Mary's City, Maryland," 128
- Prerogative Office, 132
- Presbury, G. G., 359
- Presbyterian Committee of Publications, 52
- Presbyterian Theological Seminary, 52
- "The Press in Mercantile Maryland: A Question of Utility," by Ronald Hoffman, 308
- Preston, Richard, 306
- Samuel, 306
- Price, Jacob, 140, 183
- Price, Jacob M., "The French Farmers-General in the Chesapeake: The MacKercher - Huber Mission of 1737-1738," 305
- Price, Jacob M., "The Rise of Glasgow in the Chesapeake Tobacco Trade, 1707-1775," 305
- Major Thomas, 97
- Prickett, Nicholas, 95
- Primrose Alley, Baltimore, 358
- Prince George's County Marriages, 119
- Princess Anne, 418
- Pritchard, John, 326
- Prize Cases*, 20
- "The Principio Company: A Historical Sketch of the First Iron Works in Maryland," by Henry Whitely, 306
- Proctor, John Clagett, 370, 371
- "A Projected Settlement of English-Speaking Catholics from Maryland in Spanish Louisiana, 1767-1768," 305
- "Propaganda Documents: Appointment of the First Bishop of Baltimore," edited by E. I. Devitt, S.J., 308
- "Property Rights in the Provincial System of Maryland: Proprietary Policy," by Charles A. Barker, 302

- "The Proprietary Province as a Form of Colonial Government," by Herbert L. Osgood, 305
Prospect of the Most Famous Parts of the World, by John Speed, 146
 Protestant Episcopal Church in the Confederate States of America, 56
 Protestant Episcopal Seminary, 52, 54
 Prout, John, 97
 Provincial Convention, 271-278
 "The Public Career of Montgomery Blair," by Madison Davis, 312-313
 Public Records Commission, 413, 414
Publications of the American Jewish Historical Society, 300
 Pumphilon, James, Sr., 325
 Purcell, Carroll W., Jr., "Thomas Digges and William Pearce: An Example of the Transit of Technology," 310
 Purcell, Richard J., "Rt. Hon. Anthony Eden's Ancestor Was Last English Governor of Maryland," 305
 Pursell, Richard J., "Daniel Carroll, Framers of the Constitution," 310
 Purtell, Joseph, 285

Q

- Quakers, 113-114
 Quarles, Benjamin, 30, 34 ff.
 Quebec, 428
 Quimby, Ian M. G., editor, *Ceramics in America*, reviewed, 112-113
 Quimby, Ian M. G., editor, *Winterthur Portfolio* 8, 117
 Quincy, Edmund, 432
 Quynn, Dorothy Mackay, "The *Cato* and the *Nautilus*, Maryland Privateers," 310

R

- Radcliffe, George L., before 243, between 340-343
 Jno., 95
 Radcliffe College, 365
Radical Abolitionism: Anarchy and Government of God in Antislavery Thought: by Lewis Perry, reviewed, 107-108
 Radoff, Morris L., 121, 410, 417
 "The Railroad Struggle for Pittsburgh, Forty Three Years of Philadelphia-Baltimore Rivalry, 1838-1871," by Joseph S. Clark, Jr., 312
 Rainbolt, Jane, 99
 Rains, 405
 Ramsey, Allan, 394
 Dr. J. G. N., 63
 Randall, James G., 28
 James Ryder, 314
 Randel, Mrs. R. N., 92
 Randle, Elizabeth, 326
 Randolph, John, of Roanoke, 448
 Randolph-Macon College, 52
 Ransom, William, 14
 Rappahannock Baptist Association, 44
 Rauschburg, Bradford L., 148
 Rawluy, Isaac, 95
 Ray, Mary Lyn, "A Reappraisal of Shaker Furniture and Society," 117
 Read, Ann, Mrs. Joseph, 423
 Joseph, 423
 Mary, 423
 "A Reappraisal of Shaker Furniture and Society," by Mary Lyn Ray, 117
 Reavis, William A., "The Maryland Gentry and Social Mobility, 1637-1676," 305
 "Recollections of the Banking Crisis in 1933," by Francis G. Awalt, 315
Records of the American Catholic Historical Society, 300
Records of the Columbia Historical Society, 300
Records of the Columbia Historical Society of Washington, D. C., 1971-1972, edited with an introduction by Francis Coleman Rosenberger, reviewed, 440-441
Records of the Southern Historical Society, 300
 "The Recruitment of Colored Troops in Kentucky, Maryland and Missouri, 1863-1865," by John W. Blassingame, 312
 Rede, Wyllys, "The Maryland Diocesan Library - A Mine of Historical Material," 301
 "The Redemptorists in America," by John F. Byrne, C.S.S.R., 312
 "The Referendum in Maryland," by C. I. Winslow, 316
 "Register of St. Michael's Parish, Talbot County, Maryland, 1672-1704," edited by M. Atherton Leach, 304
 Reel, Peter, 406
 Reese, Lizette Woodworth, 315

- Reid, Legh W., "The English Ancestry of the Hoxtons of Maryland and Virginia," 305
- "The Relief of General Barnett," by Benis M. Frank, 441
- "Religious Affiliation in Seventeenth Century Maryland," by George B. Scriven, 305
- "Religious Freedom in Provincial Maryland," by Bernard C. Steiner, 306
- A Religious History of the American People*, by Sydney E. Ahlstrom, reviewed, 241
- Rell, Mrs., 261
- Remarks on the Statistics and Political Institutions of the United States*, by Sir William Gore Ouseley, 268
- Rembski, Stanislaus, before 243
- "Reminiscences," by Albert W. Atwood, 441
- "Reminiscences," by Arthur Cleveland Gore, 301
- Renesselaer Manor, 428
- Rensher, Mary (Wallace), Mrs. Roberts, 422, 424
- Roberts, 424
- Renzulli, L. Marx, Jr., *Maryland: The Federalist Years*, reviewed, 103
- "Report on Court Proceedings in the Colonies - 1700: Maryland," by Erwin C. Surrency, 306
- Reprisal* (ship), 444
- Reps, John, *Tidewater Towns*, reviewed, 100-101
- Republican Party, 234
- The Researcher's Guide to American Genealogy*, by Val D. Greenwood, 339
- "The Rev. Dr. John Burke applies to Bishop Carroll for assignment in the United States," 310
- "The Rev. Jonathan Boucher, Turbulent Tory (1738-1804)," by Ralph Emmett Fall, 308
- "Rev. Thomas Bray and His American Libraries," by Bernard C. Steiner, 306
- "The Reverend Hugh L. Jones, Lord Baltimore's Mathematician," by Richard L. Morton, 305
- REVIEWS OF RECENT BOOKS, 98, 228, 327, 426
- Rezneck, Samuel, 246
- Rhode Island v. Massachusetts*, 4
- Rhodes, James Ford, 6
- Ricards, Sherman L., Jr., 176
- "Richard Blundell in Virginia and Maryland," by Frank Tyrer, 306
- "Richard Preston, Sr., Puritan Quaker of Maryland, Grandfather of Samuel Preston, Mayor of Philadelphia," by Samuel Troth, 306
- Richardson, Hester Dorsey, 413, 414
- Mary, 326
- Robert R., 345, 348, 350
- Richman, Michael, "Daniel Chester French's Statue of Lewis Cass," 440
- Richmond College, 52, 54
- Riddle, James, 247
- The Ridge, Anne Arundel County, 136
- Ridgeley, Mrs. Charles, 268
- Ridgely, David, 410, 415
- Ridgeway, Mr., 408
- Riepe, J. Creighton, 243
- Rigdin, John E., 251
- Riggs, John Beverly, 243
- Riggs, John Beverly, "Certain Early Maryland Landowners in the Vicinity of Washington," 310
- Rightmyer, Nelson Waite, 418
- Rightmyer, Nelson Waite, "The Character of the Anglican Clergy in Maryland," 305
- Rightmyer, Nelson Waite, "The Church in a Border State - Maryland," 314
- Rightmyer, Nelson Waite, "The Episcopate of Bishop Kemp of Maryland," 310
- Rightmyer, Nelson Waite, "The Maryland Diocesan Library," 301
- Riley, B. F., 51, 53, 55
- Grace Hays, 374, 377, 381
- Rind's *Virginia Gazette*, 271
- Rinehart, William Henry, 279
- "The Rise of Glasgow in the Chesapeake Tobacco Trade," by Jacob M. Price, 305
- "The Rise of the Jackson Party in Maryland, 1820-1829," by Mark H. Haller, 313
- Ritta, M., M.S.C., "Catholicism in Colonial Maryland," 305
- Rivers, Fred, 106
- Rivet, Rev. Mr., 74, 75
- Roanoke Baptist Association, 44
- Roanoke College, 54
- The Rob of the Bowl*, by John P. Kennedy, 312

- Robbins, Charles L., and Wright, Selman G., *Harford Images*, 338-339
- Robenson, Margaret, 326
- Robert, Joseph C., "William Wirt, Virginian," 310
- Robert Garrett v. Henry Jones*, 283
- "Robert Garrett Fund for the Surgical Treatment of Children," 292
- Roberts, Isaac Phillips, 210
- Rensher, 422
- Sarah, 326
- Thomas, 97
- Robertson, Archibald T., 44, 53
- Rev. James, 419, 421 ff.
- Robertson, James I., Jr., editor, "A Federal Surgeon at Sharpsburg," 314
- William S., 238
- Robinson, Catherine, 326
- Charles, 326
- Capt. David, 326
- James, 246
- John, 96
- Lelia J., 362, 365
- Murphey, 326
- Perry, 326
- William C., 370
- Rock Spring, 265
- Rockefeller, John D., 294, 296
- Rockefeller Foundation, 123, 148
- Roddy, Edward G., 65, 71, 78
- ROGER B. TANEY: A HISTORIOGRAPHICAL INQUIRY, by Marvin Lawrence Winitsky, 1-26
- "Roger Brooke Taney," by Mary Florence Taney, 314
- Rogers, Horatio Rodman, 374
- J. S., 58
- J. T., 226
- Nathaniel, 108
- Rogers, William Edgar, "The Historic Potomac River," 310
- Roggers, Mrs. Merier, 326
- "The Role of Education in the Maryland Colonization Movement," by Charles A. Earp, 313
- The Role of the Supreme Court in American Government and Politics*, by Foster H. Sherwood, 22
- Rond Point des Champs Elysées, 281
- Roosevelt, Franklin D., 11
- Theodore, 16, 87, 236, 315
- Roots of Maryland Democracy, 1753-1776*, by David Curtis Skaggs, reviewed, 330
- Roots of Fundamentalism*, by Ernest Sandeen, 108
- "Rose Hill," Cecil County, 91
- Rosecroft, St. Mary's County, 197
- Rosenberger, Francis Coleman, 442
- Rosenberger, Francis Coleman, "Washington's Jim Berryman, 1902-1971: Cartoons of Senator Dirksen," 440
- Rosenberger, Francis Coleman, editor, *Records of the Columbia Historical Society of Washington, D. C., 1971-1972*, reviewed, 440-441
- Rosenberger, Homer T., "How Pittsburgh Gained an Additional Rail Outlet to Seaboard in the Twentieth Century," 316
- Ross, William, 326
- Rothbard, Murray N., 244, 246
- Rottier, Catherine M., opp. 341
- ROTTIER, CATHERINE M., *Ellen Spencer Mussey and the Washington College of Law*, 361-382
- "Roving Business," by Samuel E. Morison, 305
- Rowland, Dunbar, 53
- Kate Mason, 62, 258, 261, 262, 264, 268
- Rowland, Kate Mason, "Virginians at St. John's College, Annapolis, Md., 1793-94," 311
- Rowland, Kate Mason, ed., "Personal Notices from the *Maryland Gazette*," 305
- The Royal House of Stuart*, by A. C. Addington, 447
- Royal Society, 225
- Royall, Anne, 105-106
- William, 105
- "Rt. Hon. Anthony Eden's Ancestor Was Last English Governor of Maryland," by Richard J. Purcell, 305
- Rubicam, Milton, 447
- Ruffner, Viola, 237
- Rush, Benjamin, 430
- Russwurm, John Brown, 398, 399
- Rutman, Darrett, 217
- Ryan, Rev. John, 309
- Ryland, Garnett, 47, 49

Sadlier and Thomas, 226

Sainsbury, W. N., 183, 217

St. Barbara's Freehold, St. Mary's City, 130

- St. Clement's Island, 125
 St. Clement's Manor, 137
 St. Fall, John, 95
 St. Francis Xavier Mission, Cecil County, 302
 St. Gaudens, Augustus, 322
 St. James College, 313
 St. John's, St. Mary's City, 128, 130, 186
 ST. JOHN'S: ARCHAEOLOGICAL QUESTIONS AND ANSWERS, by Garry Wheeler Stone, 146-168
 St. John's College, 311
 St. John's Freehold, St. Mary's County, 155
 St. Mary's City, 124
 "The St. Mary's City 'Castle,' Predecessor of the Williamsburg 'Palace,'" by Henry C. Forman, 303
 St. Mary's City Commission, 123, 126, 327
 St. Mary's College of Maryland, 147
 St. Mary's Female Seminary, 123
 St. Mary's Hill, 166
 St. Mary's Hundred, St. Mary's County, 128, 153
 St. Mary's River, 125, 129, 131, 132, 198
 St. Memin, 66, 81
 St. Michael's Parish, Talbot County, 304
 St. Patrick's Church, Baltimore, 308
 St. Paul's Church, Baltimore, 344, 348
 St. Paul's Episcopal Church, Richmond, 51
 St. Paul's Lane, Baltimore, 344, 348
 "St. Paul's Parish, Baltimore, Md.," by Arthur B. Kinsolving, 301
 St. Peter's Church, Baltimore, 308, 309
 St. Peters Creek, 422
 St. Peter's Freehold, St. Mary's City, 130, 132, 135, 138
 Salem, Mass., 161
 Salsbury, Mis, 326
 "A Salvage Archaeology of a Dwelling on the John Hicks Leasehold," 128, 145
 Samuel, Mashack, 95
 Sandburg, Carl, 113
 Sandeen, Ernest, *Roots of Fundamentalism*, 108
 Sanderlin, Walter S., "Arthur P. Gorman and the Chesapeake and Ohio Canal: An Episode in the Rise of a Political Boss," 316
 Sanderlin, Walter S., "The Vicissitudes of the Chesapeake and Ohio Canal During the Civil War," 314
 Sanders, David, "The 'Anarchism' of John Dos Passos," 316
 Sanderson, John, *Biography of the Signers to the Declaration of Independence*, 257
 Sands, John C., 207
 Saratoga Street, Baltimore, 348
 Sargasso Sea, 431
 Sargent, John Singer, 291, 440
 "Sarum," Newport, Charles County, 190, 191-195
 Saser, Benjamin, 422
 Susannah, 422
 John, 422
 Panter, 422
 Sauerwein, Peter, 334
 Sauser, William, 422
 Sawcer, Benjamin, 422
 Thomas, 422
 Scaife, Walter B., "The Boundary Dispute between Maryland and Pennsylvania," 305
Scepticism and Historical Knowledge, by Jack Meiland, 335
 Schade, Jean, 367, 371, 373
 Schafer, Joseph, 238
 Scharf, J. Thomas, 344, 345, 347, 405, 406, 417
 Schatz, Mark Norton, 115
 Schauffler, Mrs. R. M., 92
 Schechter, Daniel, 207
 Schlesinger, Arthur M., Jr., 19, 65
 Schlosser, John, 406
 Schmidhauser, John, 22, 24
 Schoepf, John D., 357
 School of Hygiene and Public Health, J.H.U., 439
 Schouler, James, 3, 4, 9
 Schroeder, John H., 333
 Schroeder, John H., *Mr. Polk's War: American Opposition and Dissent, 1846-1848*, reviewed, 231-233
 Schuyler, Philip, 428
 Schwab, Eugene L., *Travels in the Old South, Selected from Periodicals of the Time*, 338
 Schwartzmann, H. J., 436-438
 Scisco, Louis Dow, 414
 Scotland, Robert, 403

- Scott, Elizabeth, 422
 Rev. Dr. J. J., 48
 Jane (Pittman), Mrs. John, 422
 John, 422
 Mary, 422
- Scribner, G. Hilton, 322
- Scriven, George B., "Religious Affiliation in Seventeenth Century Maryland," 305
- Sea of Glory: The Continental Navy Fights for Independence, 1775-1783*, by Nathan Miller, reviewed, 431-432
- Seabrook, John H., "The Establishment of Anglicanism in Colonial Maryland," 306
- Searching for Your Ancestors*, by Gilbert H. Doane, 443
- Sears, Louis Martin, "The Middle States and the Embargo of 1808," 311
- Sebree, Spencer, 96
- Second Company of Artillery, 97
- Second Continental Congress, 428
- Second National Bank, 321
- "Secretary Taney and the Baltimore Pets: A Study in Banking and Politics," by Frank Otto Gatell, 313
- Sedgwick, Theodore, 69, 70, 80
- Seeds of Extinction: Jeffersonian Philanthropy and the American Indian*, by Bernard W. Sheehan, reviewed, 103-105
- Selby, John E., *A Chronology of Virginia and the War of Independence, 1763-1783*, 339
- A SELECTED BIBLIOGRAPHY OF ARTICLES ON MARYLAND HISTORY IN OTHER JOURNALS, by Dorothy M. Brown and Richard R. Duncan, 300-316
- Selim (horse), 262, 264 ff.
- Sellers, Charles Coleman, and Slotten, Martha Calvert, *Archives and Manuscript Collections of Dickinson College: A Guide*, reviewed, 113
 Kathryn, 378, 380
- Semmes, J. E., 258
- "Separation of Church and State in Maryland," by Matthew Page Andrews, 302
- "The Sephardic Congregation of Baltimore," by Benjamin H. Hartogensis, 313
- Sergeant, Jonathan, 429
- Seton, Mother, 311
 Miss, 262, 264, 269
- Setser, Vernon G., 244
- "Seventeenth Century Maryland Prices," by V. J. Wycoff, 306
- Sewanee, Tennessee Episcopal School, 53
- Shackelford, George Green, 441
- "The Shaker Children's Order," by Edward Deming Andrews and Faith Andrews, 117
- Shalhope, Robert E., 103
- Shanks, Henry T., 58
- Sharp Street Methodist Church, 30
- Sharpe, Horatio, 309, 409
- Shaw, Cornelia R., 54
 Davis, 422
 Jonathan, 422
 Mary, 422
 Sarah, Mrs. Jonathan, 422
 Simeon, 201
- Sheehan, Bernard W., *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian*, reviewed, 103-105
- Sheir, Margrett, 422, 423
- Shelley, Fred, 412, 417
- Shepard, Seth, 370, 373
- Shepherd, A. R., 441
 James F., 143
- Sheppard, Moses, 114, 337
- Sheppard and Enoch Pratt Hospital, 337
- Sheridan, Ben W., 95
- Sherman, Cecilia F., 371
 John, 92
 William T., 61
- Sherwood, Emily Lee, 376
 Foster H., 22
- "Shipbuilding in Virginia, 1763-1774," by William M. Kelso, 441
- Shipley, Robert, 97
- Shippen, Rebecca Lloyd, editor, "The Star-Spangled Banner," 311
- Shores, Alie, Mrs. John, 422, 423
 Alse, 423
 Catherine, 422
 John, 422, 423
 William, 422
- Showd, Thomas, 423
- Shrewsbury, Duke of, 183, 217
- Shriver, Mrs. Catherine Hering, 321
 family, 315
- Shryock, [Richard H.], 440
- Shurwood, Harriet, 326

- SIDELIGHTS, 293, 398
 "Sidney Lanier," by Frank W. Cady, 312
 "Sidney Lanier — A Study," by Henry E. Harman, 313
 "Sidney Lanier and Virginia Hankins: Two Letters," edited by Walter Harding, 313
 "Sidney Lanier as a Student of English Literature," by William Preston Few, 313
 "Sidney Lanier's Feminine Ideal," by Boyd Guest, 313
 Sievers, Rodney E., opp. 243
 SIEVERS, RODNEY E., *The Lost World of Daniel Boorstin*, 293-299
Signers of the Declaration: Historic Places Commemorating the Signing of the Declaration of Independence, edited by Robert G. Ferris, 338
 "Significant Achievements of the Daniel Carroll of L'Enfant's Era," by Margaret Brent Downing, 308
 Silver, David, 20
 Silver Spring, Montgomery County, 312
 Simmons, Mrs., 326
 Simmons, J. P., "Edward Coote Pinkney, American Cavalier Poet," 314
 Simms, William Gilmore, 230-231
 Simpson, Robert Drew, "The Lord's Rebel: Freeborn Garrettson: A Methodist Preacher during the American Revolution," 311
 Sioussat, St. George L., 414
 Sioussat, St. George L., "The Chevalier de la Luzerne and the Ratifications of the Articles of Confederation by Maryland, 1780-1781: with accompanying Documents," 311
 Singleton, Nicholas, 326
 Sjorberg, Gideon, 352
 Skaggs, David Curtis, 271
 Skaggs, David Curtis, "Maryland's Impulse toward Social Revolution: 1750-1776," 311
 Skaggs, David Curtis, *Roots of Maryland Democracy, 1753-1776*, reviewed, 330
 Skaggs, David Curtis, "Thomas Craddock's Sermon on the Governance of Maryland's Established Church," 306
 Skinner, Elizabeth C., 261
 Elizabeth G. (Davies), Mrs. John Stuart, 258, 261
 Skinner, John, "Correspondence with Jonathan Boucher, 1786," 311
 John Stuart, 258, 259, 261
 Theodore, 261
 William C., 326
 Skordas, Gust, 212
The Slave Community: Plantation Life in the Antebellum South, by John W. Blassingame, reviewed, 106-107
 Slidell, [John], 436
 Slidell Mission, 232
 Slitt, Margrett, 423
 Robert, 423
 Sarah, 423
 Sloss, Anne Stoughton, 423
 Mary, Mrs. Thomas, 420, 423, 425
 Thomas, 420, 423, 425
 Slotten, Martha Calvert, Sellers, Charles Coleman, and, *Archives and Manuscript Collections of Dickinson College: A Guide*, reviewed, 113
 Small, John, 326
 Smart, John, 326
 Smawll, Samuel, 326
 Smith, Abbot Emerson, "The Indentured Servant and Land Speculation in Seventeenth Century Maryland," 306
 Anna, 326
 Benjamin Mosby, 52, 53
 Charles W., 13, 14
 Daniel Scott, 211
 Elizabeth, 326
 Ellen Hart, 261
 F. Dumont, 8
 Smith, Francis F., "Captain John Smith, Frederick Co. Md., of the Revolution and Some of his Ancestors," 311
 George G., 52
 Goldwin, 36
 Hannah, 420, 423
 Henry, 420, 423
 James, 420, 423
 James Allen, 10
 John, 425
 Capt. John, 302, 311
 Joseph H., 143
 Page, 71
 Richard, 95
 Robert, 360
 Rose, Mrs. John, 423
 Samuel, 84
 Thomas, 387, 388
 W. Wayne, opp. 341

- SMITH, W. WAYNE, *A Marylander in Africa: The Letters of Henry Hannon*, 398-404
 William, 398, 420, 427
 Lt. William, 129, 133, 139
 Smith & Buchanan, 246
 Smith's Town Land, St. Mary's City, 129, 132, 133, 139
 Smithsonian Institution, 148
 Snavelly, Tipton R., 258
 Snow, Richard F., Earley, Mary D., and, "Baltimore, Through a Glass Darkly," 313
 Snow Hill, St. Mary's County, 155
 Snow Hill Manor, 198, 199
 Sobel, Robert, *The Money Manias*, reviewed, 240
 "Social Stratification in Maryland, 1658-1705," 170
 Society Hours and Holidays, 121
 Society for the Relief of the Indigent Sick, 290
 Soldiers' Orphanage Association, 46
 "Some Aspects of the Baltimore and Ohio Railroad with Reference to West Virginia History," by Joseph L. Stanton, 314
 "Some Autobiographical References in Poe's Poetry," by Wightman P. Melton, 314
 "Some Letters of Benedict Leonard Calvert," by Michael G. Hall, 303
 "Some Newman Letters from the Baltimore Cathedral Archives," by John Tracy Ellis, 301
 "Some Problems of Colonial Tobacco Planters: A Critique," by Weymouth T. Jordan, 304
 "Some Quaint Wills of Early Catholic Settlers in Maryland," 306
 "Some Unpublished Material Relating to Dr. Jacob Lumbrozo, of Maryland," by J. H. Hollander, 303
 Somerset Parish, 420
 SOMERSET PARISH RECORDS, by Robert Barnes, 418-425
 Somerville, James K., 224
 Sommers, Mrs., 96
The Sot-Weed Factor, 225
 Soule, [Pierre], 436
 South, John, 95
South Atlantic Quarterly, 300
South Carolina Historical and Genealogical Magazine, 300
 South River, 136
 Southeby, William, 114
 Southern Baptist Convention, 44, 58
 Southern Baptist Theological Seminary, 52, 53
The Southern Dream of a Caribbean Empire, 1854-1861, by Robert E. May, reviewed, 435-436
Southern Lutheran, 55
 Souvray, Rev. Charles L., C.M., "Miscellany: Questions Anent Mother Seton's Conversion," 311
 Spahr, Boyd Lee, 113
 Sparrow, Rev. William, D.D., 52, 54
 Spector, Robert M., "Lincoln and Taney: A Study in Constitutional Polarization," 314
 Speed, John, *Prospect of the Most Famous Parts of the World*, 146
 Spelley, Darby, 95
 Spencer, Eleanor P., Howland, Richard H., and, *The Architecture of Baltimore*, 336
 Spencer, Henry, 326
 Persis, 366, 367
 Platt, Mrs. Persis, 366
 Tamerlane, 96
 Spencerian Business College, 368
 Spier, Peter, *The Star-Spangled Banner*, 116
 Spinks, Rawleigh, 95
A Spirit of Dissension, by Ronald Hoffman, reviewed, 426-427
 Spiser, Ann, Mrs. Phillip, 423
 John, 423
 Philip, 423
 Spofford, Ainsworth R., 441
 Spring, Gardiner, 55
 Staats, Elizabeth Griffith, 92
 Stacy, James, 60
 Stafford, Baron, 447
 Staffordshire Potteries, 201
 "The Standard Bearers," window, 285
 Standfield, Mrs., 326
 Stanley, Francis, 96, 97
 Stanton, Elizabeth Cady, 365, 380
 Stanton, Joseph L., "Some Aspects of the Baltimore and Ohio Railroad with Reference to West Virginia History," 314
The Star-Spangled Banner, by Peter Spier, 116
 "The Star-Spangled Banner," edited by Rebecca Lloyd Shippen, 311

- "The Star-Spangled Banner: How and Why It Came to be Written," by J. Henry Francis, 308
- State Circle, Annapolis, 100
- State House, St. Mary's City, 141
- Staten Island Rapid Transit, 280
- Statutes at Large*, 442
- Staudenraus, P. J., 398
- Stedman, James O., 61
- Steer, Francis W., 151
- Stein, Gertrude, 298
- Steiner, Bernard C., 6, 7, 11 ff., 15, 16, 72, 74, 78, 225, 329
- Steiner, Bernard C., "A List of those who Governed Maryland before it was made a Royal Province," 306
- Steiner, Bernard C., "Maryland and the West," 301
- Steiner, Bernard C., "Maryland in the Revolution," 311
- Steiner, Bernard C., "Maryland's Adoption of the Federal Constitution," 311
- Steiner, Bernard C., "Religious Freedom in Provincial Maryland," 306
- Steiner, Bernard C., "Rev. Thomas Bray and his American Libraries," 306
- Steiner, Bernard C., editor, "Maryland Politics in 1797 Shown in Letters Selected from the Correspondence of James McHenry," 311
- Stephen, James F., 386, 387
- Stephens, [Alexander H.], 436
- Stephenson, Robert C., 125
- Steuart Petroleum Company, 123, 148
- Stevens, Henrietta, 326
- Mary, 326
- Peter, 326
- Gov. Samuel, Jr., 326
- Stevenson, Capt., 326
- John, 326
- Stevensville, Va., 340
- Steward, George, 95
- Stewart, Charles, 326
- Capt. James, 326
- Mary, 326
- Matildey, Mrs. Perry 326
- Peggy, House, 338
- Perry, 326
- family, 92
- Stoddert, Benjamin, 71, 77, 309, 311
- Stoker, Mary, 326
- Stokere, Wrightson, 326
- Stoly, Charles Morse, "Threshold of the Golden Kingdom," 117
- Stone, Garry Wheeler, 113, opp. 123, 197
- STONE, GARRY WHEELER, *St. John's: Archaeological Questions and Answers*, 146-168
- Thomas, 271-278, 338, 448
- William, 274
- Gov. William, 128, 157, 160
- William Murray, 315
- Stony Run Meeting, 114
- Story, Benjamin, 247, 253, 254
- Joseph, 26
- W. W., 281
- Stoughton, Ann, Mrs. William, 423
- William, 423
- Street, T. Watson, 55
- "The Streets of Baltimore," by John Dos Passos, 336
- "The Struggle for the Cape Henry Lighthouse, 1721-1791," by Arthur Pierce Middleton, 309
- Stuart, Gilbert, 79, 83, 262, 440
- family, 447
- "A Study of Sidney Lanier's 'The Symphony,'" by Henry E. Harman, 313
- Stuyvesant, Peter, 157
- Suffolk Resolves, 429
- Sullivan, David K., "The District Penitentiary, 1831-1862," 441
- Summers, Festus P., "The Baltimore and Ohio - First in War," 314
- Summers, Festus P., "The Jones-Imboden Raid," 314
- Sunderland, Lowell E., 417
- The Supreme Court as the Final Arbiter in Federal-State Relations, 1789-1957*, by John R. Schmidhauser, 22
- Surrency, Erwin C., "Report on Court Proceedings in the Colonies - 1700: Maryland," 306
- "The Survival of the Catholic Faith in Southern Maryland," by John Lafarge, 301
- "Swallow Barn: John P. Kennedy's Chronicle of Virginia Society," by Charles H. Bohner, 312
- Swan, Mrs., 403, 404
- Sweet, William W., 51, 60, 241
- Swindler, William F., Mason, A. Hughlett, and, "Mason and Dixon: Their Line and its Legend," 304
- Swingate-Calvert, Benedict, 447
- Elizabeth (Calvert), Mrs. Benedict, 447

Swisher, Carl Brent, 12 ff., 17, 19 ff., 24
 Swiss Rifles, 108-109
 Symons, William L., 381
 "The Symphony," by Sidney Lanier, 313
 Symposium on the American Revolution, 430
 Synod of Nashville, 57

T

"Tabb's Purchase," St. Mary's County, 197-210
 Tabbs, Moses, 197 ff., 201, 202, 205, 206
 family, 197, 198
 Taeuber, Alma F., 352
 Karl E., 352
 Taft, Pres. William Howard, 380
 Talbot family, 447
 "Tale of a Runaway Cape: The Penn-Baltimore Agreement of 1732," by Nicholas B. Wainwright, 306
 Taliaferro, Mrs. Clarence H., 322
 Taney, Mary Florence, "Roger Brooke Taney," 314
 Roger B., 1-26, 113, 269, 312 ff., 435
 Tayler, Ann (Ballard), Mrs. Joseph Read, 423
 Sarah Read, 423
 Taylor, Dr., 408
 Col. Benjamin Franklin, 92
 Charles E., 44
 George B., 44
 James, 96
 James B., 44, 58
 Joseph Read, 418, 423
 Teasdale, Rev. Thomas, 45
Technological Innovation and the Decorative Arts, reviewed, 337
 Teeple, G. R., 339
 Telyard, Mr., 407
 Temple, Oliver P., 63
 Ten Broeck, Abraham, 428
 A TENANT FARMER'S TABLEWARE: NINETEENTH CENTURY CERAMICS FROM TABB'S PURCHASE, by George L. Miller, 197-210
 Tennessee Conference, M. E. Church, South, 61
 Texas Conference, M. E. Church, South, 57
 Thaw, Harry K., 284

"Theodore Roosevelt Island," by Mary E. Curry, 441
 "Theodore Roosevelt Letters to Cardinal Gibbons," edited by John Joseph Gallagher, 315
 Third Haven Meeting House, 114
 Third Haven Monthly Meeting, 304
 Thomas, Douglas H., 92
 James, 326
 John L., 315
 Jonathan, 208
 Nicholas, 326
 W. H., 43
 Thomas and Hugg Building, Maryland Historical Society, 415
 "Thomas Bray (1658-1730): Founder of Missionary Enterprise," by John Wolfe Lydekker, 304
Thomas Bray's Grand Design: Libraries of the Church of England in America, 1695-1783, by Charles T. Laughler, reviewed, 328-329
 "Thomas Cradock's Sermon on the Governance of Maryland's Established Church," by David Curtis Skaggs, 306
 "Thomas Digges and William Pearce: An Example of the Transit of Technology," by Carroll W. Purcell, Jr., 310
 THOMAS STONE AND THE REORGANIZATION OF THE MARYLAND COUNCIL OF SAFETY, 1776, by Jean H. Vivian, 271-278
 Thompson, Andrew, 247
 Thompson, D. G. Brinton, editor, "From Chancellorsville to Gettysburg, A Doctor's Diary," 314
 Ernest Trice, 55
 James J., Jr., 236
 Robert E., 44
 Thornwell, James Henley, 55, 63
 Thorpe, Louise H., 283
 Thorton, Willis, "The Day They Burned the Capitol," 311
 "Threshold of the Golden Kingdom," by Charles Morse Stoly, 117
 Thurston, Herbert, 269
Tidewater Towns: Planning in Colonial Virginia and Maryland, by John Reys, reviewed, 100-101
 Tierney, Rev. John J., 64
 Tiffany, Louis Comfort, 285, 437
 Tiles, George, 407

- Tilghman, Mrs. A. M., 326
 Anne, Mrs. Tench, Jr., 326
 F. Tench, 326
 John L., 326
 Matthew, 272
- Tilghman, Oswald, *History of Talbot County*, 317, 318
 R. Carmichael, M.D., 440
 Tench, 113
 Tench, Jr., 326
 William H., 326
- Tilyard, Philip, 313
- "Time and Waste Books of James Williamson, Builder of the *Anne McKim*," by David B. Tyler, 315
- Tingley, Rev. Samuel, 418
- Tinkcom, Harry M., 76
- "The Tobacco Staple and the Planter's Problems: Technology, Labor and Crops," by Aubrey C. Land, 304
- Todd, Thomas, 156
- Tolles, Frederick B., 244
- Tomson, Andrew, 423
 Clare, Mrs. Andrew, 423
 William, 423
- Tony (Negro), 158
- Topham, Washington, "First Railroad into Washington and its Three Depots," 301
- Topsfield, Miss, 161
- Tourscher, Francis E., O.S.A., editor, "Letters of Francis Patrick Kenrick to the Family of George Bernard Allen: 1849-1863," 314-315
- Towle, Roger, 197, 198
- Town Planning in Frontier America*, 100
- Towner, Donald, 200
- Townsend, William, 326
- Townsend, Henry, 326
 Mrs. M., 326
- Townshend Acts, 426
- Towson, Joseph, 403
- Tranter, Thomas, 95, 97
- Travels in North America, 1822-1824*, by Paul Wilhelm, Duke of Wurttemberg, 445
- Travels in the Old South*, edited by Eugene L. Schwaab, 338
- Treacy, Kenneth W., "Another View on Wirt in *Cherokee Nation*," 311
- Tremaine*, by Robert Plumer Ward, 263
- "A Tribute to John Bartram, with a Note on Jacob Engelbrecht," by Whitfield J. Bell, Jr. and Ralph L. Ketcham, 307
- Trinity College, 54
- Trip, William R., 326
- Tripp, Lavenia, 326
 Mrs. Marion, 326
- Trosted, Michael F., 285
- Troth, Samuel, "Richard Preston, Sr., Puritan Quaker of Maryland, Grandfather of Samuel Preston, Mayor of Philadelphia," 306
- Trotter, Rev. George, 418
 John, 424
- Troup, Robert, 68
- Troy, Margaret, 326
 Solomon, 326
- Tucker, Dr. Aaron, 447
 Elizabeth Henrietta (Carroll), Mrs. Aaron, 447
 George, 258, 260
 H. H., 46
- Tull, Benjamin, 423
 Davis, 423
 Elizabeth, Mrs. Benjamin, 423
- Turner, Frederick Jackson, 237-240, 296, 298
- Turner, Harriet Stoddert, "Memoirs of Benjamin Stoddert, First Secretary of the United States Navy," 311
 Mae, Mrs. Frederick Jackson, 239
 Nat, 320
- Turner, Thomas B., M.D., *Heritage of Excellence: The Johns Hopkins Medical Institutions, 1914-1947*, reviewed, 438-440
- Turpin, Elizabeth, 423
 John, 423
 Margrett, 423
 Sarah, 423
 Sarah, Mrs. Margrett, 423
 William, 423
- Tuska, Benjamin, "Know-Nothingism in Baltimore, 1854-1860," 315
- Tuskegee Institute, 237
- Tuskegee Negro Conference, 237
- "Two Letters of Charles Carroll of Carrollton," 311
- "Two Maryland Farm Leases," by William D. Hoyt, Jr., 309
- TWO MARYLANDERS IN THE EARLY NAVY: THE HAMBLETON FAMILY PAPERS, MS. 2021, by Richard J. Cox, 317-321

- Tyler, David B., "Time and Waste Books of James Williamson, Builder of the *Anne McKim*," 315
 Samuel, 2, 12
 Tyrer, Frank, "Richard Blundell in Virginia and Maryland," 306

U

- Umbreit, Kenneth, 17
 Unconditional Unionist Party, 334
 Underwood, Anthony, 132
 "Unequal Religious Rights in Maryland since 1776," by Benjamin H. Hartogensis, 301
 Union Bank of Maryland, 17, 254
 Union College of Law, 365
 Union Party, 233, 234
 Union Square, Baltimore, 337
 Union Street, Baltimore, 342
 Union Theological Seminary, 52
 U. S. Bureau of the Census, 131, 183, 214
 U. S. Bureau of Topographical Engineers, 198
The United States Capitol: An Annotated Bibliography, compiled and edited by John R. Kerwood, reviewed, 442
 United States Capitol Historical Society, 442
 United States Christian Commission, 62
 U. S. Department of Labor, 364
 U. S. Library of Congress, 416, 430
United States Magazine and Democratic Review, 257
 United States Military Academy, 258
 U. S. National Historical Publications Commission, 417
 U. S. Naval Academy, 319
 U. S. Naval History Division, 444-445
 U. S. Supreme Court, 367
 U. S. Works Progress Administration, 258, 415
United States v. Rogers, 4
 United Synod Presbyterians, 57
Unity (ship), 153
 University of Pennsylvania, 258
 University of Virginia, 365
The Unjust Judge, 1
Up from Slavery, by Booker T. Washington, 236
 Updegraff, Daniel, 407
 Upland, 288, 290

V

- Valck, Adrain, 250
 Valliant, Harriett, 326
 Hugh, 326
 Jeremiah, 326
 John, 326
 Rigby, 326
 Robert, 326
 Van Buren, John, 332
 Martin, 257, 332
 Van Deburg, William L., opp. 1
 VAN DEBURG, WILLIAM L., *Fred-
 erick Douglass: Maryland Slave to
 Religious Liberal*, 27-43
 Van Devanter, Ann, 447
 Van Swearingen, Garrett, 133, 138
 Vance, James E., Jr., 346
 Vanderbilt, Cornelius, 290
 Varnedoe, Gerald F., and Varnedoe,
 Patricia A., "The Life and Ministry of
 William Murray Stone, D.D., Bishop
 of Maryland, 1830-1838," 315
 Varnedoe, Patricia A., Varnedoe, Gerald
 F., and, "The Life and Ministry of
 William Murray Stone, D.D., Bishop
 of Maryland, 1830-1838," 315
 Vazer, Menasseh, "Hebrew Volunteers
 in Maryland," 315
 Vecoli, Rudolph, 111
 Verdery, Eugene, Jr., 49
 James P., 49
 Vertical File, Maryland Historical Soci-
 ety, 86-90
 "The Vestries and Local Government in
 Colonial Maryland," by Alan Clem,
 302
 "Vestry and Clergy in the Anglican
 Church of Colonial Maryland," by
 Gerald E. Hartdagen, 303
 "The Vicissitudes of the Chesapeake and
 Ohio Canal During the Civil War,"
 by Walter S. Sanderlin, 314
 "Victory in Maryland," by Benjamin C.
 Howard, 315
 Vincett, Roberta Adam, 113
 Vinorskis, Maris A., 211, 223, 224
 Virginia Company, 90
 THE "VIRGINIA HOUSE" IN MARY-
 LAND, by Cary Carson, 185-196
 Virginia Independence Bicentennial
 Committee, 339
*Virginia Magazine of History and Bi-
 ography*, 300, 301
 Virginia Resolutions, 65

- "Virginians and Marylanders at Harvard College in the Seventeenth Century," by Samuel E. Morison, 305
- "Virginians at St. John's College, Annapolis, Md., 1793-94," by Kate Mason Rowland, 311
- Vivian, Jean H., opp. 243
- VIVIAN, JEAN H., *Thomas Stone and the Reorganization of the Maryland Council of Safety, 1776, 271-278*

W

- Wade, Richard C., 351
- William Junius, 48, 58, 61, 62
- Wade-Davis Bill, 334
- Wagandt, Charles L., 233, 433
- Wagandt, Charles L., "The Army Versus Maryland Slavery, 1862-1864," 315
- Wagandt, Charles L., editor, "The Civil War Journal of Dr. Samuel A. Harrison," 315
- Waggaman family, 302
- Wainwright, Nicholas B., "Tale of a Runaway Cape: The Penn-Baltimore Agreement of 1732," 306
- Wakelyn, Jon L., *The Politics of a Literary Man: William Gilmore Simms*, reviewed, 230-231
- Walhout, Clarence P., "John Pendleton Kennedy: Late Disciple of the Enlightenment," 315
- Walker, Cornelius, 52, 54
- Elizabeth, 423
- Ian C., 166
- John, 96
- Walker, Robert G., "Jonathan Boucher, Champion of the Minority," 311
- Sarah, Mrs. Thomas, 423
- Thomas, 423
- William, 96, 435, 436
- Wallace, Charles, 100, 101
- Matthew, 422, 424
- Waller, Ann (Laws), Mrs. Thomas, 421, 424
- Anne, 424
- Betty, 424
- Bridget, 424
- Bridgett, Mrs. William, 424
- Charles, 424
- George, 424
- John, 422, 424
- Katherine, 424
- Major, 424
- Mary, 424
- Mary, Mrs. John, 422, 424
- Sarah, 424
- Washington, 424
- William, 421, 424
- Walsh, Charles St. Leger, 258
- Elizabeth Steel, Mrs. Robert, 258
- J. C., 258
- Lorena S., opp. 123, 171, 176
- WALSH, LORENA S., and MENARD, RUSSELL R., *Death in the Chesapeake, 211-227*
- Robert, 258
- Walston, Betty, 424
- Betty, Mrs. Joy, 424
- Boze, 424
- Dorothy, 424
- Edward, 424
- Isaac, 424
- Joy, 424
- Littleton, 424
- Peter Taylor, 424
- Sarah, 424
- Thomas, 424
- Walton, Gary M., 143
- "War Comes to the Chesapeake and Ohio Canal," by Edwin C. Bearss, 312
- War Memorial Building, Baltimore, 91
- Ward, Joseph, 96
- Ward, Robert Plumer, *Tremaine*, 263
- Ware, Abell, 424
- Bernard, 424
- Elizabeth, Mrs. Bernard, 424
- Sarah, 424
- Waring, Basil, 3rd, 420
- Warner, Sam B., Jr., 341, 353, 355
- Warner and Hanna, 342 ff., 349, 353
- Warren, Charles, 8, 9, 12
- Warren (ship), 320
- Warton, Mary Ann, 326
- "Was Poe a Drunkard?" by Philip Alexander Bruce, 312
- Washington, Booker T., 29, 36, 236-237
- Fanny, Mrs. Booker T., 237
- George, 65, 68, 70 ff., 74, 77, 79, 228, 229, 262, 276, 342
- Jane, 236
- John, 236
- Margaret, Mrs. Booker T., 237
- Olivia, Mrs. Booker T., 237
- "Washington and the Potomac Manuscripts of the Minnesota Historical Society," edited by Grace L. Nute, 310

- "The Washington Carrolls and Major L'Enfant," by Elizabeth S. Kite, 309
 Washington College of Law, 361-382
Washington Herald, 380
 Washington Monument, Baltimore, 280, 281, 283
Washington Times, 380
 Washington University, St. Louis, 365
 "Washington's Forty Boundary Stones," by Edwin D. Nye, 441
 "Washington's Inhabited Alleys," by James Borchert, 441
 "Washington's Jim Berryman, 1902-1971: Cartoons of Senator Dirksen," by Francis Coleman Rosenberger, 440
 Waters, John, 424
 Mary, Mrs. John, 424
 Sarah, 424
 Watkins, C. Malcolm, 112
 Watson, John, 304
 Watts, Elizabeth, 326
 Samuel, 326
 Thomas, 326
 Waughop, Thomas, 137
 Wax, Donald D., "The Image of the Negro in the *Maryland Gazette*, 1745-75," 306
 Wayne, Anthony, 74
 Justice, [James M.], 20
 Webb, Richard D., 432
 Stephen Saunders, 100
 Weir, Rev. Isaac C., 38
 Robert M., 431
 Welch, d'Alte A., *A Bibliography of Children's Books Printed to 1821*, 119
 Samuel, 406
 Welch Medical Library, 291, 439
 Weld, Isaac, 344
 Weller, Michael I., "Commodore Joshua Barney: The Hero of the Battle of Bladensburg," 311
 Wells, James, 95
 Robert V., 211
 Welter, Barbara, 105
 Wertenbaker, Thomas J., 182
 Weslager, C. A., *Magic Medicines of the Indians*, 445
 West, Anthony, 424
 Capt. John, 424
 Katherine, Mrs. John, 424
 Mary, 424
West African History Series, 118
 West Monument Street, Baltimore, 415
 West St. Mary's, 164, 166
West Virginia History, 300
 Western Precincts, Baltimore, 344
 Westminster Cemetery, Baltimore, 337
 Whaling, James, 96
 "What Is the Good of History?" *Selected Letters of Carl L. Becker, 1900-1945*, edited with an introduction by Michael Kammen, reviewed, 334-336
 Wheeler, Isaac, 423, 424
 Sarah (Steevens), Mrs. Isaac, 423, 424
 Wheeler, Edward, 424
 John, 424
 Joseph T., 329
 Margrett, Mrs. Edward, 424
 Robert A., 176
 William Bruce, 360
 "When, Where, and Why the Mason-Dixon Line Was Run," by Harvey W. Harmer, 305
 Wherrett, William, 208
 Whig Club, 427
 Whipple, A. B. C., "The Hard Luck Frigate," 311
 Whitaker, Walter C., 46, 50, 63
 White, Mr., 147, 163, 164, 168
 Father Andrew, 125, 126
 H. M., 60
 Stanford, 283 ff.
 Col. Thomas, 306
 William S., 60
 White House, Washington, D. C., 236, 237
 White Plains, Battle of, 229
 Whitehall, Walter Muir, 413
 Whitely, Henry, "The Principio Company: A Historical Sketch of the First Iron-Works in Maryland," 306
 Whitfield, James, 314
 Whitman, Mrs., 312
 Wicomico River, 194, 418
 Wiggins, James Russell, 430
 Wight, Willard E., 50
 Wightman, William W., 47
 Wilhelm, Paul, Duke of Wurttemberg, *Travels in North America, 1822-1824*, 445
 Wilkes, Paul, "Baltimore's Sunpapers: Where Has Greatness Gone," 302
 Wilkins, Burleigh, 336
 Elizabeth, 425
 Jenay, 425
 John, 424

- Leah, 425
 Leah (Tull), Mrs. Samuell, 423 ff.
 Samuell, 423 ff.
 Samuell Tull, 425
 Thomas, 424, 425
 Tubman, 425
 William, 425
 Wilkinson, Rev. Christopher, 339
 Gen. James A., 308
 Norman B., 256, 266
 Willard, Margaret W., 271
 William, Andrew, 96
 William and Mary, 135
 William and Mary Parish, 145, 197
William and Mary Quarterly, 300
 "William Claiborne of Kent Island," by
 J. Herbert Claiborne, 302
*William Howard, Last Colonial Owner
 of Ocracoke Island, North Carolina,
 His Family and Descendants*, by Dora
 Adele Padgett, 444
 "William Pinkney: A Revision and Re-
 emphasis," by Robert M. Ireland, 309
 "William Vans Murray's Political
 Sketches: A Defense of the American
 Experiment," by Alexander De Conde,
 307
 "William Wirt, Virginian," by Joseph
 C. Robert, 310
 Williams, Capt., 407
 Mrs., 407
 Ames, 407
 Charles, 425
 Elizabeth, Mrs. John, 425
 Williams, Glyndwr, Flint, John E., and,
 editors, *Perspectives of Empire*, 118
 Rev. James, 38
 John, 158, 159, 425
 John F., 406
 Mary, 147
 Mary, Mrs. John, 159
 Williams, Mathilde D., "Georgetown -
 A Continuing Battle," 441
 Williams, Melvin R., "A Blueprint for
 Change: The Black Community, 1860-
 1870," 441
 Otho Holland, 415
 R. C., 91
 family, 91
 Williamsburg, Va., 100
 Williamson, George W., 282
 James, 315
 Stanley H., 376
 Willis, Alexander, 326
 Barnaby, 425
 Elinor, Mrs. James, 425
 Frances, 326
 James, 425
 Jane, 326
 John, 326
 Mrs. Jonathan, 326
 Nancy, 326
 Phillemon, 326
 Richard B., 326
 Ruth A., 326
 William B., 326
 Willoughby, Capt. Thomas, 159
*Wills and Where to Find Them in Great
 Britain*, edited by Jeremy Gibson, 443
 Willson, James, 326
 Wilmer, Bishop Richard H., 46, 50
 Wilmer Ophthalmological Institute, 439
 Wilmot Proviso, 232
 Wilson, Ann, 425
 Edmund, 433
 Elizabeth, Mrs. Thomas, 425
 Mrs. Elizabeth, 326
 Wilson, George B., *The Descendants of
 Reverend Christopher Wilkinson of
 Queen Anne's County, Maryland*, 339
 Henry, 333
 James M., 345
 Levin, 423, 425
 Major L., 233
 Margrett, 425
 Sarah, Mrs. Levin, 425
 Thomas, 425
 Sarah Stoughton (Sloss), Mrs.
 Levin, 423, 425
 Wilson, William B., "Maryland, their
 Maryland," 306
 Woodrow, 111, 238, 335, 380
 Wiltbank, William White, "Colonel
 Thomas White, of Maryland," 306
 Winitsky, Marvin Laurence, opp. 1
 WINITSKY, MARVIN LAURENCE,
*Roger B. Taney: A Historiographical
 Inquiry*, 1-26
 Winokur, Harry, 294, 295
 Winser, James, 425
 Mary, 425
 Mary, Mrs. James, 425
 Winslow, C. I., "The Referendum in
 Maryland," 316
The Winter Soldiers, by Richard M.
 Ketchum, reviewed, 228-230

- Winters, Jesse "Nip," and Holway, John,
"Baseball Reminiscences," 441
Winterthur Conference, 112, 245
Winterthur Museum, 337
Winterthur Portfolio 8, edited by Ian
M. G. Quimby, 117
Wirt, William, 301, 310, 311
Wiser, Vivian, "Maryland in the Early
Land-Grant College Movement," 315
Without Fear or Favor, by Walker
Lewis, 24
Wolcott, Oliver, 68, 69, 72, 73, 76 ff.,
82 ff.
Woman Lawyers' Journal, 382
Women in the Law, 375
Women's Auxiliary of the Engineering
Society, 285
Women's International Peace Society,
376
Wood, Anthony, 153, 156
Wood, Sumner, Sr., *The Horseshoe of
the Potomac in the Days of Witches,
Wenches, and Cannibals*, 1640-1776,
445-446
Thomas, 95
Woodfall family, 115
Woodman, Harold D., 254
Woody, Thomas, 365
Worcester County Committee of Ob-
servation, 275
"The Work of the Sisters of Mercy in
the United States, Archdiocese of Bal-
timore (1852-1921)," by Mary Eula-
lia Herron, 301
Worrall, Mark Linzly, 96
Worrell, Mrs. Ann, 326
Wren, Joseph, 406
Wright, Abell, 425
Benjamin F., 16
Bloyce, 425
Isabell, 425
Katherine, Mrs. Abell, 425
Louis B., 124
Sarah, 425
Sarah, Mrs. Bloyce, 425
Wright, Selman G., Robbins, Charles L.,
and, *Harford Images*, 338-339
Thomas, 425
William, 425
Wrigley, E. A., 212, 221 ff.
"The Writings of Francis Patrick Ken-
rick, Archbishop of Baltimore (1797-
1863)," by Michael Moran, 314
Wroth, Lawrence C., 132
Wyatt, Mrs. Arthur Richard, 92
Wyatt-Brown, Bertram, 108
Wycoff, V. J., "Seventeenth Century
Maryland Prices," 306
Wye, Rev. William, 418, 424
Wye Island, 449
- X
- XYZ Affair, 65
- Y
- "Yachting in the Chesapeake Bay, 1676-
1783," by Arthur Pierce Middleton,
305
Yackel, Peter Garrett, opp. 341
YACKEL, PETER GARRETT, *Benefit
of Clergy in Colonial Maryland*, 383-
397
Yale Law School, 365
Yardley, Col. Francis, 157
Yates, Matthew T., 44
Yeatman, Woods & Co., 254
Yellow River Baptist Association, 48
Yonge, Julia J., 49
York, Duke of, 383
Young, Eliza, 425
Isabell, Mrs. John, 425
John, 425
Michael, 94
William, 425
- Z
- Zane, Mrs. Richard, 326
Zink, John, 95
Zoar Baptist Church, 57